

18961

A

COLLECTION
OF
DEBATES,
REPORTS, ORDERS,
AND
RESOLUTIONS,
OF THE
House of Commons,
TOUCHING THE
Right of Electing Members
TO SERVE IN
PARLIAMENT,
For the several
COUNTIES, CITIES, BURROUGHS,
AND
TOWNS CORPORATE,
IN
ENGLAND and WALES:

Together with
Several Ancient CHARTERS, and EXTRACTS, out of *Domesday-Book*,
and other RECORDS, relating to the said RIGHT.

By *WILLIAM BOHUN*, of the Middle-Temple, Esq;

*Suspecto Senatus Populique Imperio ob certamina Potentium, et avaritiam Magistratum:
invalido Legum auxilio, quæ Vi, Ambitu, postremo Pecuniâ turbabantur. Tacit. An. Lib. 1.*

L O N D O N :

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COLLECTOR

OF THE

REVENUE

DEPARTMENT

OF THE

INDIAN TERRITORIES

AND

THE DISTRICT OF COLUMBIA

AND

THE TERRITORY OF ARIZONA

AND

THE TERRITORY OF NEW MEXICO

AND

THE TERRITORY OF UTAH



TO THE
RIGHT HONOURABLE
S^r Richard Onflow Bar.

Speaker of the House of Commons,
And the Rest of the Members of that
Honourable House, now Assembled
in Parliament.

Right Honourable, &c.

T*IS an Establish'd Sanction in the
Law of Grace, That we Render
to every one their Due; Tribute to
whom Tribute, Honour to whom Ho-
nour, &c.*

And

Epistle Dedicatory.

And by an Immutable Rule in the Law of Nature, All Things tend to their first Original : Thus Rivers run to the Sea from whence they Spring ; The Elements by Transmutation return to their first Essence ; The First Mover and Erratic Stars to their former Position ; The Body of Man to its Original Earth, and the Soul returns to God that gave it.

As the former of these Considerations inclin'd me to undertake this Work, so the latter has since induc'd me to Dedicate it to You.

For having the Honour to be Acquainted with several of Your Members, I thought it incumbent on me, by that Maxim of Grace, to Employ some part of my Time in Their Service, and to offer this part of my Labours to Their perusal.

And the Body of this Collection being taken from the Journals of Your House,

Epistle **Dedicatory.**

House, and carefully Examined by those Records, I could not, without Transgressing that Rule of Nature, but Dedicate to You what had from You its first Original.

I confess the whole Matter herein Collected, is found either in Your own Journals, or in other Records of the Kingdom; but it having cost me some Pains and Expence to reduce it to the Form 'tis now in, I may without Vanity say, This Work is intirely New.

For 'tis truly observed, Form alone begets the Denomination of New, and as to Matter, there is no new Thing under the Sun.

I had once Thoughts of Prefacing here, on the Antiquity, the Nature, the Constitution, the Power, the Order, the Persons, and the Proceedings of the House of Commons; but being convinc'd of my inability for that Task, and knowing the Persons I Address to, are of the Highest Wisdom, Knowledge, and Capacity,

A

Epistle Dedicatory.

*capacity, I declin'd that Presumption,
and shall only Conclude with my hearty
Prayers to Heaven for a Blessing on Your
Consultations, and humbly Subscribe,*

Honourable Sirs,

Your most Humble

and Devoted Servant,

W. BOHUN.

*An Exposition of certain Antient Words found in
Domesday-Book, and other Old Records and Charters,
for the better understanding of some Passages in the en-
suing Treatise.*

Barones, Barons, The Citizens or Men of London, who (as *Matthæw Paris, A. D. 1253.* says) for the Dignity of the City, and antient Liberties of the Citizens, were wont to be called *Barons*. And the same Author in *A. D. 1258.* says, That being sent to London, *convocaverunt totius Civitatis Cives quos Barones vocant.* Also the Citizens of York and Chester, the Burgeses of Warwick, and of other eminent Cities and Towns that were Endowed with large and Royal Privileges, were called *Barons*. But this is a Norman Word, and seems to have come hither with the Conqueror; for the Citizens or Burgeses of these, or other Places, were not so termed in *Domesday-Book*: Therefore they must have that Title since, as *Sir Henry Spelman* truly informs us. But the word *Barones*, in the Charter to London, seems to mean the better sort of Citizens, that is, the Guardians or Aldermen of the Wards; for the words are, *Et Barones & Cives*; which put a Distinction between the Greater and Ordinary Citizens. Nor was this Appellation used here in England only; for the Citizens of Orleans, and Bourges in France are so called.

Blodewyta, a Mulct or Amerciament for drawing Blood. *Vide* the Charter of King R. 1. to Portsmouth.

Bridtol, that is, Bridge-Toll, or Money paid for passing over a Bridge.

Childwite, the same with *Leirwyte*, i. e. Money paid, or a Punishment for corrupting a Bondmaid.

Craumerla, is a Village or small Place over against Wallingford-Castle, where there was an Anti-Castle or Fortres, built to restrain and keep in the Garrison in that Castle in the time of King Stephen. This appears by the great Ditches and Trenches to be seen before the Place, where the great Castle-Gate was.

Danegeld, this is Tax or Money imposed and levied for defence of the Nation against the Danes; or rather an annual Tribute paid to or for them, that they might abstain from Rapine, Burning and Slaughter.

Duellum, &c. *De Duello inter forinsecum & Burgensem Leg. Burgot Scot, c. 14. Si quis forinsecus Burgensem de re aliqua appellaverit, non potest super Burgensem pugnare sed Burgensis per legem Burgi se defendet.*

Ewagium, This word is often used in antient Charters for *Aquagium*, an *Aqua-Duct*, or Water-Passage.

Folkemot, From *Folc*, People, or as they are often called *Folke*; and *Mote*, a Meeting, or Convention: A Convention and Court of the People, which in Shires and Counties was, and now is, the *Sheriffs-Turn*, and in Cities and Burroughs may be called the *Burgh-Mote* or *Sheriffs-Court*.

Gereshuma or **Gereshgiue,** is properly an Income or Fine paid for the entrance upon some Place, Estate or Office. In the Charter of 51 H. 3. to Wallingford, it signifies plainly a Bribe, or Money given to the King's Officer, to connive at, and not to prosecute those that gave it, in Criminal Cases.

Gilda, a Society or Company, as *Gilda Mercatoria*, a Trading Society, a Company of Buyers and Sellers.

Haga or **Hage,** a House or Dwelling.

Hansa, from the German Word *Hanse*, which signifies a Society.

Hustengus or **Hustengum,** either from *Hus* a House, and *Thing* or Thing, i. e. Cause, a House where Causes were try'd; or from the Saxon Word *hyht*, or *hyhta* *Supremum*, Highest; and *Thing Judicium*, a Court or Judgment, according to Mr. Somner. So that *Husting* signifies in this Sense the Supreme Court of the City of London, as in truth it is.

Note, This Name was not appropriated to the chief Court in London only; for Winchester, Lincoln, York, the Five Ports, and the Isle of Shipwey, have their *Hustings*.

Ieresumma or **Ieresgiue,** the same with *Gereshuma* *supra*.

Infangenethef, a Liberty granted to Try and Judge a Thief, taken within the Jurisdiction of the Burgh. *Vide* *Infangenethef*.

Lagan, from the Old Word *Liggen* or *Leggen*, Goods lying and found under or in the bottom of the Sea.

Leirewyte,

An Exposition of Ancient Words, in Domesday-Book, &c.

Leirewpte, Laitwpte, or Legerwpte, a Mulct upon him that corrupteth a Bond-woman; or upon a Bond man, for the Fornication of his Daughter. *Vide Childwpte.*

• **Lestagium,** a Liberty for Men to carry their Goods up and down in Fairs and Markets, where they please.

Leve, or Leba, Tribute, Levies, or Collections, à *Levare, Exigere, Tributum imponere.*

Meskenninge, from the *Saxon* Word, **Cenninge,** or **Cennan,** i. e. *citare, vocare,* and **Mis,** or in *French* **Mes,** i. e. **Male.** So **Miskenninge** was, when one Man falsely or unduly prosecuted another; or, as *Brampton* hath it, **Myskenning,** i. e. *Variatio loquela in Curia,* a Variation of the Plea in Court, that is, when a Man leaves his first Plea, and takes another.

Murdum, signifies not only the Crime, but the Mulct, or pecuniary Punishment for that Crime; so that to be free from Murder, was, that the Place where the Murder was committed, and the Murtherer fled, should not be Fined or Amerced for not producing of him. See *Leg. Ed. Conf. c. 15 Gul. 1. 2. 26. 46 Hen. 1. c. 91.*

Ramium, or Raamium, is the attaching, distraining, or taking of moveable Goods.

Paagium, any Tribute, or Payment, from the *French* Word *Paier,* and ours, *to pay,* or perhaps the same Word with *Passagium,* the double *s* being left out, by the Ignorance of the Scribe, and so the Word *Paagium* retained.

Passagium, Money paid for Passage over Bridges, Gates, &c. which may be called *Gate-Toll, Bridge-Tall, &c.*

Pontagium, Toll paid for Passage over Bridges with Horses, Carriages, &c. and under them, with Boats, Ships, &c.

Portfoka, the Extent of Jurisdiction or Liberty from without the Gates of the City.

*Vide the
the Charter
5 R. 1. to
Purismouth.*

Reguardo, *Regard, &c.* There were in the King's Forests certain Officers called *Regardatores,* now called *Rangers,* who often viewed about the Forests, to see if any Wood was cut, Venison stol'n, or other Trespasses committed therein; which View or Inspection was called a *Regard;* and likewise it was the Punishment for such Offences and Trespasses.

Saca, Sacca, Saka, and Sactia, signifies a Liberty or Power granted by the King to try and judge Causes, and of receiving the Forfeitures arising from them, within the Limit, Dominion, or Jurisdiction of the Court.

Soca, Socha, the Place, Territory, Precinct, or Ward, wherein such *Saca,* or Liberty of Court were exercised; the Circuit of Jurisdiction.

Sichwpte, I know not what it is, except it be a Mulct or Penalty for beating or bruising a Person so that he becomes sick, or kept his Bed. *Vide Blodewpte, ante.*

Scot and Lot, Publick Impositions, or Contributions.

Scotaliam, Scotale, from *Scot,* a Gathering or Shot, and *Ale* in the common signification. These *Scotales* were Abuses put upon the People, by the King's Officers, who invited them to drink Ale, and then collected Money of them, to the end the said Officers should not vex or inform against them for any Crime they had committed, or should commit.

Sollagium, or Seldagium, a Payment for standing in a Shed.

Stallagio, a Payment for a Stall, or a Right to have one in Fairs, or Markets.

Cheam, a Privilege to take and keep Bondmen, Villans, Servants and Slaves, with their Generations, one after another, and Posterities, which in *Latin* are sometimes called *Sella,* sometimes *Sequela;* and to dispose of, and sell their Children, or moveable, or immoveable Goods, at pleasure.

Cheoloneum, the same with *Toll.*

Toll, a Word commonly known, being an Imposition or payment for things bought and sold in Markets.

Utsangenethef, or Outfangenetheof, a Liberty to take a Thief that fled out of a Liberty or Precinct, and bring him back to the Court, or Place within which the Fact was committed, and there to try and judge him.

Wapentake, to be free from Suit and Service to the *Wapentake-Court,* as before from Suit and Service to the County or Shire-Court, and Hundred-Courts.

Were, a Citizen of *London* shall not be amerced beyond his *Were,* that is, the price of his Head, or Life, which was an 100 Shillings.

Wret, Goods thrown over-board, when the Ship is over-laden, or cast away at Sea. These belonged to the Crown in all Places, and could not be enjoyed, by any Subject, but by special Grant or Privilege.

Burgus de Abingdon in Com^{ty} BERKS.

By a Charter in 2^d & 3^d P. & M. the said Town was made a Burrough and Corporation, consisting of a Mayor, 2 Bailiffs, and 9 Aldermen; which 12 were to be called Principal Burgeses, and had Power to Ele^{ct} 16, or more Secondary Burgeses, to be with them, the Common Council of the Town for all things, &c. and that they should be Unum Corpus Corporat^{us} & una Comunitas perpetua, &c. who only, and their Successors, should have a Right to chuse one Burges to Parliament, &c.

DIE Jovis 31 Octobris, 1689. A Petition of Sir John Stonehouse, Baronet, 1689.
was presented to the House and read; setting forth, That on the 21st of Rot. Par. 2.
May last he was Ele^{ct} a Burges for the said Burrough by a Majority of 3. P. M.
of Votes, and ought to have been returned: But that the Mayor of the part 6.
said Burrough, in Breach of his Trust and in Injury to the Petitioner, had refused to Return him, and had Return'd John Southby, Esq; and praying the Consideration of the House and Relief in the Premisses, and was refer'd to the Committee of Privileges and Ele^{ct}ions.

Die Martis 26 Novembris, 1689. Ordered, That the Books and Papers deliver'd in by Sir John Stonehouse to the Committee of Privileges and Ele^{ct}ions the last Session of Parliament, touching the late Ele^{ct}ion for Abingdon, be deliver'd back again to him or his Agents.

Die Luna 16 Decembris, 1689. Ordered, That the Report of the said Ele^{ct}ion be made on Wednesday Morning next. But then, viz:

Die Mercurii 18 Decembris. Ordered, That the said Report be made the Monday following: But

Die Luna 23 Decembris, It was again deferred, and ordered to be on the Wednesday Fortnight following.

Die Luna 30 Decembris, 1689. Ordered, That the Chairman of the Committee of Privileges and Ele^{ct}ions do make his Report to Morrow Morning, of all such Ele^{ct}ions as have been heard before the said Committee, except the Case of Abingdon Ele^{ct}ion, which is appointed to be on another Day. Vide Plymouth & Villa de Southampton.

Die Mercurii 8 Januarii, 1689. Mr. Gray Reported from the said Committee the Report.
Matter of the said Ele^{ct}ion for the Burrough of Abingdon, as it appeared to them, viz.

Upon the Petition of Sir John Stonehouse, Baronet, complaining of an Undue Return of John Southby, Esq; to serve for the said Burrough; That the Poll being taken promiscuously was thus:

For the Petitioner—————262

For the Sitting Member—————242 But

That the Sitting Member insisted he had the Majority of Qualified Voices, and endeavoured to Disqualifie 86 of the Petitioner's Votes (all which are particularly Named in the Report) viz.

That 24 Receiv'd Weekly Bread of Bostock's Gift, That 4 liv'd in Almshouses, That 3 Receiv'd Money or Bread Weekly, That 16 were no House-Keepers, That 11 were Servants and Lodgers, That 4 were Foreigners and no Inhabitants, and that 24 were Inmates, and liv'd in parts of Houses; but admitted that 7 of these last paid Scot and Lot.

Then the Petitioner endeavour'd to justifie 35 (in the Report named) of those objected to by the Sitting Member, and produced Witnesses to Disqualifie 70 of the Sitting Members Votes (whose Names and Disqualifications are entred in the Report) viz.

That 14 were Servants or Lodgers, That 11 receiv'd Money at the Monthly Sacrament, That 9 receiv'd Weekly Relief, That 6 had had one or two Quarters Relief from the Hospital, That 8 had been reliev'd by Yearly Gift, That 6 were Inmates, and that about 16 liv'd in part of Houses, but kept distinct Tables.

Burgus de Abingdon.

Of these the Sitting Member in Reply endeavour'd to Justifie 11 (as named in the Report) and objected, That 38 others who voted for Sir *John Stonehouse* had received Occasional Relief: But Note, none of these, though all the others, are Named in the Report of that Election as it is entered at large in the Journal.

And that upon the whole Matter the Committee came to these Four Resolutions, viz.

" 1. That those who receive Alms according to the Act of Parliament for the Relief of the Poor, have no Voices in Electing of Burgesses to serve in Parliament for the said Burrough of *Abingdon*.

" 2. That those Inhabitants who receive any constant Alms either Monthly, Quarterly, Weekly or Yearly, have no Voices in such Elections.

" 3. That *John Southby*, Esq; is not duly Elected a Burgess to serve in this present Parliament for the said Burrough of *Abingdon*.

" 4. That Sir *John Stonehouse* is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Abingdon*.

All which Resolutions were on the Question severally put thereupon agreed unto by the House.

But Note, the Votes differ from the Journal, which says, That the House divided on the Question, Whether the Words [Quarterly or Yearly] should be in the Second Resolution; and that it passed in the Negative; Yea's 116, No's 106. *But this seems a Mistake of the Clerk.* Also Note, That on the 3d Resolution the House divided; Yea's 160, No's 117.

Eodem Die. Ordered, That the Clerk of the Crown do attend this House to Morrow Morning, to amend the Return of Burgesses for the said Burrough, according to the said Resolutions. And accordingly

Die Veneris 10 Januarii, 1689. The Clerk of the Crown attending was called in and amended the Return, by striking out Mr. *Southby's* Name and inserting the Name of Sir *John Stonehouse* instead thereof.

1698. *Die Luna 12 Decembris, 1698.* A Petition of *William Hucks*, Esq; setting forth, That the Petitioner was duly chosen a Burgess for the said Burrough to serve in this present Parliament, according to the last Determination of this House, touching the Right of Election for the said Burrough: Yet *John Selwood* the Mayor hath falsly Returned *Simon Harcourt*, Esq; and praying the Consideration of the House in the Premisses and Relief therein was read and referred.

Die Sabbati 25 Februarii, 1699. That the Report from the Committee of Privileges and Elections, touching the Election for the said Burrough, be made upon Friday Morning next. And accordingly

1699. *Die Veneris 3 Martii, 1699.* Sir *Rowland Gwyn* reported from the said Committee the Matter as it appeared to them, touching the Election for the said Burrough, and the Resolutions of the Committee thereupon: Which he read, &c. as follows, viz.

Upon the Petition of *William Hucks*, Esq; complaining of an Undue Election and Return of *Simon Harcourt*, Esq; to serve for the said Burrough. That the Election for the said Burrough was upon the 21st of July. And

That upon the Poll there was

For Mr. <i>Harcourt</i> —	252
For Mr. <i>Hucks</i> —	264

But the Petitioner's Council insisted, That the Mayor both before and after the Election, had shewn Partiality to the Sitting Member, and they called

Mr. *Benjamin Tompkins* and Mr. *Edmond Medlicot*, who said, That before the Election the Mayor and several of the Masters of the Hospital went about *Abingdon* to desire Persons Voices for Mr. *Harcourt*, and that he excepted against some Votes; but the Mayor said, All should be polled that were for Mr. *Harcourt*.

Ant. Atherton said, That the Morning before the Election the Mayor asked him to drink a Mug of Ale with him, and afterwards asked him to vote for Mr. *Harcourt*, and the said *Atherton* saying he was for the Petitioner, the Mayor answered, It signified nothing; for if the Petitioner had never so many Voices, he should not fit in the House: For it was thought Mr. *Harcourt* would be Speaker. And the Mayor further said, If the Petitioner would desist he would pay him his Charges; and that the Mayor had said twenty times he would do his Endeavour for Mr. *Harcourt*.

Mr. *Tompkins* and Mr. *Medlicot* said, When the Poll was shut up, the Mayor promis'd a Scrutiny at Three in the Afternoon, and that as to the Right it was agreed to go according to the last Resolutions of this House, viz.

" 1st, That all those who receive Alms, according to the Act of Parliament, have not Voices in the Election of a Burgess to serve in Parliament for the Burrough of Abingdon.

" 2^{dly}, That those Inhabitants who receive any constant Alms Weekly, Monthly, Quarterly, or Yearly in Abingdon, have no Voices in Election of a Burgess to serve in Parliament for the said Burrough of Abingdon.

That the Petitioner accordingly attended the Mayor at Three of the Clock, when the Petitioner proposed three Persons to examine the Books on his part, two of whom were Mr. Selwood the Mayor's Father, and Mr. Medicot the Counsellor, those two being the only Masters of the Hospital that were for the Petitioner; That Mr. Harcourt excepted to both of them, but next Day the Mayor agreed Mr. Selwood should be one; That Mr. Harcourt said he would refer it to some of the Gentlemen in the Room, there being present Mr. Blackaller, Mr. Cawdry, Mr. Rawlins, and the Town-Clerk; That the Mayor, upon any Question by the Petitioner's Friends, would apply himself to Mr. Harcourt first, and then give his Answer. But on the whole Matter in Fact there was no Scrutiny by any present on behalf of the Petitioner, though it did not appear that the Mayor had denied the Petitioner to be present. That 3 Weeks or a Month after the Election the Mayor made the Return. That the Petitioner sent Exceptions to about 50 of Mr. Harcourt's Voters, some of which the Mayor said he believed were good Exceptions.

Mr. Winter said, That about the 18th of August last he was in the Mayor's Company at Mr. Vincent's, who asking who was Elected, the Mayor said the Petitioner was, and that was the Cause he had not made the Return before that time.

Samuel Roberts said, That about a fortnight after the Election he was in Company with the Mayor and the Petitioner; and that the Petitioner asked the Mayor what they intended to do, and the Mayor answered, Brother! before God! I intend to Return you

The Council for the sitting Member acknowledged, That as the Poll was taken the Numbers were as above; but said, they should take off a great many of the Petitioner's Votes, 16 as receiving constant Alms, and 65 others as Inmates, or Lodgers, or Boarders, or living in the same House with others that had voted, and some others that were induced to vote for the Petitioner by Promises of Reward.

That the sitting Member's Council insisted on several Irregularities on the part of the Petitioner, and called several Witnesses. viz.

Mr. Rawlins, who said, That the 21st of June, being Sunday, he was at the King's Head in the Old Change, and a Porter came from Mr. Hucks the Petitioner to desire him to come to him: That accordingly he went to the Petitioner, who told him, that Mr. Selwood had promis'd him his Interest; and he desired his the said Mr. Rawlins's Voice, but he told him he could not be for him.

That the Petitioner told him, if he was a Parliament-man he should be a Commissioner of Excise, and that would be worth 1500 *l.* a Year to him, which he reckoned thus: viz. Salary 800 *l.* a Year, Perquisites 200 *l.* a Year; and said, That what the Petitioner could do, and make the Officers of the Excise do, would be worth 500 *l.* a Year more to him. That the said Mr. Rawlins told the Petitioner, he thought Mr. Selwood would not believe him. He told him, Yes; for he had promis'd to remit 300 *l.* that he owed him, whether he the said Petitioner had the Place or not: That he advised the Petitioner to stand at Wallingford, but he said, No; he must turn out Mr. Ha———, or he should not have his Place.

Mr. Hugh Kate said, That at the Election of Knights of the Shire he met with the Petitioner, and he telling the Petitioner that he did ill to oppose Mr. Harcourt, the Petitioner said he stood for his own Interest, depending upon it, that if he carry'd it he should be a Commissioner of the Excise; and thereupon Mr. John Jennings answered, If that be your Intention, the Country ought to take care whom they choose.

That the Council for the Sitting Member then produced before the Committee 10 Convictions of the Petitioner before the Commissioners of Excise, two of which were since the Election, and one of them upon his own Confession.

Charles Mortimer said, That Mr. Watkins solicited Votes for the Petitioner, and reported, that the Petitioner was promised a Place in the Excise-Office, and told the said Mortimer he should have a Place there himself, if he would be for the Petitioner.

Richard Ely, Joseph Stockwell, and Mr. J. Bush testified, That at the News-House in Abingdon, a pretty while before the Election, a Letter was produced and read, and subscribed Charles Medicot, by which it was desired to the Effect following, viz. That an Interest might be made for the Petitioner against Mr. Harcourt, because he was a disaffected

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disaffected Person, and if he got into the House, he would go nigh to be Speaker; and if Mr. *Harcourt* was put by, it would be a great Service to them, for that the Lords of the Admiralty would protect their Watermen or Bargemen from being press'd; and that they should have some of the Lord of *Oxford's* Regiment, if they desired the same; and, if they desired, should have no Soldiers quartered upon the Town. And Mr. *Bush* said he brought the Letter from Old Mr. *Medlicot's*, and it was directed to *Tho. Medlicot Esq;* and that *John Bush* voted for the Petitioner.

That as to the matter of Scrutiny, the Sitting Member's Council called several Witnesses, viz.

Mr. *Knapp* and *Robert Blackaller*, who said, That Mr. *Harcourt* was very willing to have a Scrutiny, and named Mr. *Blackaller*, Mr. *Rawlins*, and Mr. *Cawdry* to examine the Books on his part: But the Petitioner named Mr. *Sellwood* and Mr. *Medlicot* to be two to inspect on his part; which Mr. *Harcourt* did not think proper, the first being the Petitioner's Father-in-law, and the other a Counsellor at Law, and so above those for the Sitting Member.

Mr. *Blackaller* further said, That it was agreed by the Candidates, that all who received Weekly, Monthly, Quarterly, or Yearly Charity, should have no Votes; but that such who received only casual Charity should have Votes. That Mr. *Harcourt* told the Petitioner, that whether he had any of the Governours of the Hospital or no, he should have the Inspection of the Books. That Mr. *Harcourt* proposed to leave it to the Common Council, but that was not consented to neither. That thereupon Mr. *Harcourt's* Friends retired to a House, and cast up the Poll, and sent for the Church Books and Churchwardens Books, and scrutinized as carefully as they could, and found that Mr. *Harcourt* had by a considerable Number the Majority of good Voices; and that when the Mayor Return'd he examin'd both Polls, and was satisfied that Mr. *Harcourt* had a Majority. That the next Morning Mr. *Harcourt* met them again, and then there were further Proposals made, and Mr. *Harcourt* accepted of Mr. *Selwood*; but then they could not agree to come to Mr. *Harcourt's* Lodgings; thereupon Mr. *Harcourt* agreed to go to a third Place, but said, he and the Petitioner would be present, and upon that the Scrutiny then went off. That the Day before the Return, the Mayor said he was well satisfied, and would Return Mr. *Harcourt*. That the Afternoon the Poll was Inspected, and there were present himself and Mr. *Rawlins*, Mr. *Cawdry* and Mr. *Ely*, but no body for the Petitioner, nor could he say the Petitioner had notice. That he believed the Occasion of the Delay of the Return was, that the Mayor was so nearly related to the Petitioner, he having married the Mayor's Sister.

Richard Cawdry said, That *Atherton* at the *King's Head* told him, that he never heard the Mayor say that he would Return Mr. *Harcourt* right or wrong, but it was Babble of his own raising; yet since he had said it, he must stand by it.

Then the Sitting Member's Council proceeded to disqualify several of the Petitioner's Voters, and insisted that 16 Persons that voted for the Petitioner had received constant Relief; and all of them but 3 were given up by the Petitioner. And as for those 3, Mr. *Rawlins* testified, That *John Bury* received constant Alms from the Hospital, and *Weston* and *Duffin*, the other 2, are down for the 2 last Years for *Blacknall's* Charity.

That then the Council for the Sitting Member proceeded upon Inmates, and undertook to disqualify 65, that had voted for the Petitioner, and gave Evidence as to 64 under that Head: And as to 21 of that Number (in the Report named) there was no Evidence offered by the Petitioner to justify them, and so were given up by him. And as to the remaining 45, the Evidence was as follows, viz.

Mr. *Cawdry* said, That *John Butler* declared to him his Daughter was the House-keeper, and that she Receives, and Pays, and drives the Trade of a Button-maker. That *Fra. Garret* lives in a lower Room in his Mother's House. *Tho. Gunnyman* hath but one Room in the House where he lives. *Abr. Pye* lives with his Mother-in-law. *Ro. Pye* lives in a Chamber over his Brother *Mallard*, and has no Fire-place. *T. Shadwell* lodges with his Mother. *J. Hemmings* lives in the same House with *William Stevens*. *William Parker* is an Inmate to his Mother. *William Lewis* lives in part of a House with Widow *Tonkins*, and pays her Rent. *Michael Megoe* rents part of *J. Parker's* House. *T. Philips* has made all over to his Children, and his Son *Benjamin* is the Housekeeper. *John Tubb* lives in a little Back-Room formerly a Stable. *Robert Franklin* has let all his House but a Chamber. *James Hawkins* lives in a Room of his Father's House. *Edward Bradley* in part of *J. Rawlins's* House. *T. Prior* behind *Goody Harding's*, in a part once a small Buttery. *William Holder* in what was a Malt-house behind Mr. *Medlicot's*. And that *Richard Philips* liv'd in London; but 'twas acknowledged his Wife was a House-keeper in Abingdon.

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William Brown testify'd, That *J. Lyford* stood always warn'd out of Town, and was gone since the Election. *Mic. Baden* was a single Man, and no House-keeper at the time of the Election. *Abr. Evans* a Lodger at his Mother's. *J. Smith* liv'd with his Father and Mother. *Isaac Evans*, *Ant. Weston*, and *Richard Hacklin* are Inmates.

Michael Rawlins said, That *W. Webbs* had made his Estate over to his Son, and believes the Son is Housekeeper, because the Trade is in him. *Richard Hatheril's* Son has the Trade, and all passes in his Name. *Edward Lydyard* was a Servant in London about a Year ago, and came to Abingdon a little before the Election, and lives with another Man. *Richard Smith* lives in a Bulk, is a Shopkeeper, but has no House. *Robert Middleton* a Lodger at Widow Porter's. *John Porter jun.* lives with his Father. *Avery Matthew* was no House-keeper at the Election. *T. Turner* no settled Inhabitant, and had but 2 Rooms. *Fra. Hebord* lives in Widow King's House, who has a Lease from the Town. *Andr. Plat* and his Son live in the same House, though both voted for the Petitioner. *J. Grace* in part of a House with *Lydyard*. *Hugh Stacy* with his Father. He had a Warrant from the Mayor to remove *J. Bedford*. *Ant. Weld* lives with his Father, and Diets with his Brother. *Richard Smith (Oxon)* was sent for to give Security, which not being done, an Order was sent to remove him: And that *Jos. Moulder* and *Richard Belcher* are Inmates.

Then the Council for the Petitioner insisted, That they would justify the Votes of *John Bury*, *W. Weston*, and *Hum. Duffin*, attempted to be taken off as receiving constant Relief. And also the 43 Votes not given up by them, and attempted to be taken off as Inmates, Lodgers, and Dwelling in parts of Houses: And called

Mr. Courtyn the Mayor, who said, That *Duffin* and *Weston* did not receive of *Black-mall's* Gift till last Christmas; tho' he could not deny but their Names were put down at the lower End of the List for 1697. And

Benj. Tompkin said, That *John Bury* did not receive constant Alms before the Election, but only occasionally when he was sick, upon application to the Justices; but he acknowledged he was relieved 3 times within these 12 months. And as to the Inmates, Lodgers, and such as were not Housekeepers, he said,

That *William Lewis* was a Housekeeper, and Tenant to him for an entire House, and that Widow *Tompkins* does not live in that House. That *Andr. Plat* is a Housekeeper, and dwells in a distinct Tenement, and his Son lives next to him in another House; but that they have one common Entry from the Street. That (as told) *Porter's* House was given him by his Father. *W. Holder* is a Housekeeper, and his Tenant at 40 s. Rent, and was there a Fortnight before the Election. *Tho. Shadwell* keeps the House, and his Mother lives with him, having nothing to live by but her Son's Labour, except 12 d. a Week from the Hospital; yet acknowledg'd 'tis his Mother's House, she being Tenant to the Hospital. *Robert Middleton* a Housekeeper, he buying Provisions, yet could not say whether it was *Middleton's* House or Widow *Porter's*. And that *Smith*, *Wells*, and *Tubb* are Housekeepers. That *Hebord* has a Family, and the greatest part of the House; that a Widow Woman liv'd in the other part, but was not privy to the Contract.

Mr. Courtin said, That *Richard Smith (Oxon.)* his Family lives in Abingdon, and tho' he works at Oxon. comes home once a Week. That *W. Wells* sen. is a Housekeeper, and has been for 5 or 6 Years, and his Son a Servant under him, but had also a House and Shop at Wallingford.

Charles Hughes said, that *T. Phipps* is an antient Inhabitant, but sometime since being afraid of his Creditors, was reported colourably to make over his Effects to his Son. That *T. Gunnyman* lives in a House antiently divided into 3 or 4 parts, and he lives in a 4th part. That *Franklin* is a Housekeeper in his own House, but had let out the Fore-part. That *Philips's* Wife keeps an Inn; and tho' he has an Office at London, yet now and then visits his Wife at Abingdon. That *Clifford's* Name is charged for Taxes. *James Hawkins* a Housekeeper, pays Scot and Lot, is a Butcher, has a Wife and Children, and his Father lives with him; but can't say who has property in the House. *Bradly* is a House-keeper, has a Wife, &c. and his part has been divided from *Williams* 11 Years. *Richard Hacklin* is a Malster, and has the principal part of the House, tho' a Widow lives in the Forepart. *J. Bedford jun.* is a Housekeeper, &c.

And see the like Evidence for *J. Butler*, *Mic. Baden*, *R. Belcher*, *Fra. Garret*, *J. Hemmings*, *Rob. Matthews*, *Ric. Hatherel*, *Ric. Smith*, *Abr. Pye*, *Nic. May*, *J. Grace*, *Ed. Lydyard*, *T. Turner*, *Hugh Stacy*, *Jos. Moulder*, *T. Prior*, *Avery Matthews*, *Rob. Pope*, *W. Parker*, *John Lyford*, *Abr. Evans*, *Isaac Evans*, and *Anth. Weston*. That they are Housekeepers, &c.

C

That

Burgess de Abingdon.

That the Sitting Member's Council did give up 40 Voices on the Poll for the Sitting Member, and gave in their Names. But the Petitioner's Council insisted, That they would disqualify many others: And called

Mr. *Hughes*, who said, That the Churchwardens in 1697. paid *W. Hildyard's* Rent; but could not say he received Bread or Money. *William Hollis* and *Robert Davis* received from 25 May 1697. to Easter following; but could not say they had received since. And *Ambrose Cheney* receiv'd Mr. *Clayton's* Gift weekly for many Years, it was a Penny Loaf; but he was Parish-Clark, and his Office worth 20 l. a Year.

Mr. *Courtein* said, That *Richard Weeks* had received Bread weekly for several Years of *Blacknall's* Gift, as Charity; but acknowledged he was Parish-Clark, and liv'd in a House of his own.

And as to Inmates, *Hughes* said, That *Isaac Harris* had but one Room in *Jos. Butler's* House. *J. Hawkins* had let all his House but a Garret, in which he liv'd, and had not paid Taxes for several Years. *J. Barker*, and one *Nic. Mago* are Partners; but it was *Barker's* House. *T. Bednall* lives in a back part of *Coxe's* House; but it was an intire House. *J. Hewet* liv'd in part of *Fox's* House with two more Inhabitants, but he had several Rooms, and paid 4 or 5 l. a Year, and had a separate way out. And that *William Hunt* lived there, and voted for the Petitioner. *T. Holloway* lives in the back part of the 3 Pigeons with two others; but *Holloway's* Name is in the Book for Taxes. *Nat. Hart* lives in the New Inn with his Brother; but the House has been divided several Years, and *Hart's* Name is on the Tax-Book. *John Eccleston* sen. & jun. liv'd both in one House, and both polled for Mr. *Harcourt*, but were willing to allow one. *W. Batt* an Inmate with one *Hellwood*, who did not poll. *Tho. Bacon* an Inmate with *Tubb*, who voted for the Petitioner. *J. Oliver* an Inmate behind *John Hall*, is an Attorney, and believes Mr. *Harcourt* was lodged there in Affize-time.

Richard Clark said, That *Richard Fletcher* sen. lodges with his Son, and pays him 9 l. a Year, as the Old Man told him; but acknowledg'd the Young Man paid all the King's Taxes, and was down in the Parish-Book. That *R. Hudson* and *J. Belcher* are single, and live with their Fathers or Mothers. *J. Holmes* lives in part of a House that *Thompson* rents; but it has been divided about three quarters of a Year. *Mark Carter* lives with one *Thompson*, who keeps a Tavern, but could not tell who took the House.

T. Fletcher said, That *Robert Styles* was an Inmate, and has part of a House divided into 3 parts; and that *T. Wilkins* lives with his Mother.

Simon Harding said, That Mr. *Brown* lives in part of a House divided into two; but could not say but both were Housekeepers; and *Richard Lovegrove* liv'd in the other part, and both voted, tho' they have but one Street-Door.

Mr. *Tompkins* said, That *Ant. Talbot* and *Charles Gerrard* live both in one House, and both poll'd for Mr. *Harcourt*. That *Richard Wyat* is a single Man, and lives at one End of a House, and *Edward Lindsey* at the other, and both voted for Mr. *Harcourt*, but acknowledg'd there were two distinct Doors, and that it had been divided five or six Years. That *James Porter* lives with his Mother, who pays the Rent, as the Landlord told him.

That then Mr. *Harcourt's* Council were heard to justify his Votes, and called

Joseph Stockwell, who said he asked *Hughes* what reason he had to object against several of Mr. *Harcourt's* Votes, he said, *Tompkins* came out, and entred them down; but he did not intend to insist on it.

Mich. Rawlins said, That *Hicks* was Clark of St. *Nicholas* Parish, and had a Penny-Loaf himself for distributing the Bread to the Poor, and had a House of 12 l. a Year. That *Ambrose Coney* is Clark of St. *Helen's*, and Mrs. *Clayton* left the Clark there a Penny-Loaf a Week for distributing the Bread to the Poor, and his Place is worth 20 l. a Year. That *R. Fletcher* is a Shoe-maker, and lives in a House of his own. That *R. Hudson* is a House keeper: And gave the like Evidence, as to *Isaac Harris*, *J. Belchier*, *Ant. Talbot*, *J. Oliver*, *J. Hawkins*, *J. Barker*, ----- *Mayo*, *J. Holmes*, *T. Bedwell*, *Ja. Porter*, *J. Hewet*, *W. Preston*, *J. Pullen*, *T. Bacon*, *W. Batt*, *W. Brown*, *T. Holloway*, ---- *Hart*, and *Robert Stiles*.

Richard Ely said, That *Richard Lovegrove* is a Housekeeper, and lives in a Tenement distinct for 20 Years. That *Tho. Wilkins* is a Housekeeper, and keeps his Mother, and that *Richard Wyat* lives in a distinct Tenement.

And upon the whole matter the Committee came to these Resolutions as their Opinion, viz.

"1. That *Simon Harcourt* Esq; is duly Elected a Burgess to serve in this present Parliament for the Burrough of *Abingdon* in the County of *Berks*.

"2. That

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"2. That the Petition of *William Hucks Esq;* against *Simon Harcourt Esq;* is Frivolous, Vexatious, Groundless, and Scandalous.

And the said Resolutions being severally read a 2d time, were upon the Question severally put agreed unto by the House. Also

Resolved by the House, "That the Proceedings of *William Hucks Esq;* (in presuming to make use of the Authority of the Government to the Burrough of *Abingdon*, in order to be elected a Burgess for the said Burrough) is a scandalous Reflection upon the Government, and tends to subvert the Freedom of Elections of Members to serve in Parliament.

"Ordered, That the said *William Hucks Esq;* be taken into Custody of the Serjeant at Arms attending this House.

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Note, 'Tis said by *Dr. Brady* in his *Treatise of Burroughs*, fol. 82. That Parliament-men for this Burrough are chosen by the Homage in the Court Baron; and that wherever the Mayor, Bailiffs, and Burgesses are chosen by a Jury in a Court Baron, or at the Leet, they were Tenants in antient Demeasns; and by consequence, That the Returns have been or are now made by the Lord or Lady of the Mannor, or their Steward or Bailiff, or the Constable, or such like inferior Officer. As *Allesbury, &c.*

DIE Jovis 2 Octobris 1690. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for a New Writ to Elect a Burgess for the said Burrough in the Room of *Sir William Drake* Knight deceased. 1690.

Die Luna 12 Decembris 1698. A Petition of *Sir Roger Hill* Knight, setting forth, That the Lord *Chenie* and the Petitioner were duly Elected to serve in this present Parliament as Burgesses for the said Burrough: But the Constables of the said Town, by Polling several who had no Right, and refusing others that had Right, and by polling some whose Votes were procured by ill Practices, pretended, That *Sir John Gerrard* had more Voices than the Petitioner, and have Returned him in wrong to the Petitioner: And praying Relief therein. Also 1698.

A Petition of *Timothy Wingfield* and others, on behalf of themselves and divers other Inhabitants of the said Burrough of *Agmondesham*; setting forth, That at the late Election of Members to serve in this present Parliament as Burgesses for the said Burrough, the Lord Viscount *Chenie* and *Sir Roger Hill* were duly elected by the Majority of Legal Voters; yet *John Wingfield* and *William Hooper*, who were then Constables of the said Burrough, polled some Persons who had no Voices, and others illegally obtain'd, and refus'd others who had a Right; and have return'd *Sir John Gerrard* with the Lord Viscount *Chenie*: And praying a speedy Hearing of the matter at the Bar of the House, or otherwise as the House shall think fit.

Both which Petitions were Read and Referr'd to the Committee of Privileges and Elections.

Die Jovis 22 Decembris 1698. The Lord *Chenie* being chosen a Knight of the Shire for the County of *Bucks*, and also a Burgess for the Burrough of *Agmondesham*, made his Election to serve for the County of *Buckingham*.

Ordered, That Mr. Speaker do issue out his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgess for the said Burrough of *Agmondesham* in the room of the said Lord *Chenie*.

Die Sabbati 14 Januarii 1698. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the Burrough of *Agmondesham*, be made upon Monday Morning next. And accordingly,

Die Luna 16 Januarii 1698. *Sir Rowland Gwyn* Reported from the said Committee Report. the matter as it appeared to them touching the Election for the said Burrough, and the Resolutions of the Committee thereupon, which he read, &c. and are as follows, viz.

Upon the Petition of *Sir Roger Hill* and the Burgesses of *Agmondesham*, complaining of an undue Return of *Sir John Gerrard* to serve for the said Burrough,

The

The Petitioner's Council insisted, That there had been a Majority of Votes illegally procured for Sir *John Gerrard*, and also upon Bribery.

That the Right was in such Inhabitants of the said Burtough, as were House-keepers, not receiving Alms, which was agreed by the Council of the other side.

That to prove the Poll, they called *Zachary Alnut*, who said, That he took the Poll for Sir *Roger Hill* and Lord *Chenie* with the Consent of the Constables:

And that upon the Poll there was, { For my Lord *Chenie* ————— 110
 { For Sir *Roger Hill* ————— 69
 { For Sir *John Gerrard* ————— 78

And that he afterwards compar'd his Book with the Constables Poll, and it agreed.

That as to the Bribery, the Council call'd *John Winchester*, who said,

That he had a Vote at *Agmondesham*, and that *James Norwood*, that Solicited for Sir *John Gerrard*, treated him to Vote for Sir *John Gerrard*: Whereupon he told *Norwood*, That he had an old Debt due from Sir *William Drake*, and if Sir *John Gerrard* would help him to his Money, he would be for him, otherwise not. That *Norwood* said, he had Sir *John Gerrard's* Orders to give him a Note for 5*l.* and Return him a Note he had given him for 10*l.* to Mr. *Drake*; and he refusing to Vote upon those Terms, Mr. *Norwood* afterwards told him, he had Orders to help him to 10*l.* and promised him the aforesaid Note. That accordingly he gave a Note the Morning before the Election for 10*l.* which he afterwards paid him, and tore the Note which he had given him for it; saying, It should not rise in Judgment. That while he was writing the Note, *Norwood* said, You and your Father will Vote for Sir *John Gerrard* and the Lord *Chenie*; and he desired him to go home a Back-way, over the Pales, being the Day of the Election; (But he own'd *Norwood* used to Lend him Money.) That afterwards he went to Sir *John Gerrard*, and Thanked him. But Sir *John* said, he knew nothing of it; and that Sir *John Gerrard* had not spoke with him for two Years before. That he believed he received the 10*l.* for his and his Father's Votes, for that Sir *John Gerrard* had told him, there was no way to Recover it.

John Maycock said, That he knew *James Norwood*, who sent for him to an Ale-house, and ask'd him to be for Sir *John Gerrard*, and told him, the best way to get his Money was to be for Sir *John*. That on the Morning of the Election, Sir *John* told *Maycock*, he hoped he would not be against him: Whereupon he ask'd him for his Money, and Sir *John Gerrard* desired him not to be against him, and he should have his Money; and that he did Vote for Sir *John Gerrard*, and had it, which was 4*l.* 18*s.* 1*d.* next Morning. And said, If it had not been for getting his Money, he would have been for Sir *Roger Hill* and the Lord *Chenie*.

John Batchellor said, That he went to see Sir *John Gerrard*; and Sir *John* ask'd him to be for him; and that *Batchellor* told him he would, upon Condition he would pay the Charges he was at in being Bound over to the Sessions, which was 20*s.* That he Voted for him, and next Morning went to Sir *John Gerrard*, who offered him 5*s.* and that *Batchellor* refusing it as too little, Sir *John Gerrard* gave him a Guinea, and that *Francis Read* afterward told him he had a Crown piece also.

Thomas Nash said, He had no Money promised him, but had Discourse with one *Giles*, his Master being a Friend of Sir *John Gerrard's*; and he desired his Vote for Sir *John*, and said he would be kind to him. And *Nash* said, That the Morrow after the Election he received a Guinea of *Giles*, which *Giles* told him he got of Sir *John Gerrard* for him, being a Poor Man. That Sir *John Gerrard* some time after the Election gave him a Crown-piece.

John Winchester Senior said, That he Voted for Sir *John Gerrard* and Lord *Chenie*, in hopes his Son would have the Money which his Son told him he was promised.

Elizabeth Johnson said, She knew Mr. *Lopez*, Sir *John Gerrard's* Bailiff, and that he sent for her Husband; But her Husband would not come to him. That afterwards he told her, If she would go for her Husband, she should be satisfy'd; and told her, That if her Husband would be for Sir *John Gerrard*, he should lose nothing by it; and that she did go 14 Miles for her Husband, and afterwards received 5*s.* for it. And was the more willing to go, as being afraid of her Mother's being turn'd out of an Alms-house.

John Dorset said, That Mr. *Wingfield* his Master ask'd him to Vote for Sir *John Gerrard*, and threaten'd to turn him out of his Work, if he did not.

Dudley Pennard deliver'd in the Poll taken by the Constables, by which he said there were 79 for Sir *John Gerrard*. That *Robert Perret* was Polled with a Quere, and no Scrutiny insisted on, because of the Majority.

William Hatham said, That he knows *John Winch*, and last *Easter* he had money of the Parish to pay for his Wife's Phyfick. That he was not in constant Collection, but received money when his Wife was Sick. That *Robert Lee* had money when he was Lame, and to pay for Phyfick. That *Paul Daville* lives but in part of a House of his own, which was divided about 12 months since. That his Tenant voted for *Sir Roger Hill* and *Sir John Gerrard*, and Himself voted for *Sir John* and the Lord *Chenie*; so that both voted for *Sir John Gerrard*. That *Abraham Bening* lives in part of a House with *Robert Lee*. That *Giles Child* lives in a Work-house belonging to the Town, and Oversees the Work the Poor are employ'd in: And that *Richard Hogtrough*, *Richard Sheppard*, and *William Golder* were admitted to live in the Town upon Certificates only.

That *Sir John Gerrard's* Council said, They had Witnesses to answer what was given in Evidence against *Sir John Gerrard*, and could turn it upon the Petitioner. But that the Committee were satisfy'd upon hearing the Petitioner's Evidence only, and came to these Resolutions as their Opinion:

1. "That *Sir John Gerrard* is duly Elected a Burgess to serve in this present Parliament, for the said Burrough of *Agmondesham*.

2. "That the Petition of *Sir Roger Hill* Knight, is frivolous and vexatious.

The first Resolution being Read a second time. Resolved, "That the House doth agree with the Committee in the said first Resolution.

The second Resolution being Read a second time, and the Question being put, "That the House doth agree with the Committee in the said Resolution, That the Petition of *Sir Roger Hill* Knight is frivolous and vexatious. It passed in the Negative.

Burgus de Ailesbury in Com' BUCKS.

Note, *Dr. Brady, fol. 82. says, The Returns for this Burrough are made by the Lord or Lady of the Manor, or their Steward. And in his Appendix, fol. 35. inserts an Authority granted by the Lady Packington, Owner of the Town of Ailesbury, 14 Eliz. To Thomas Litchfield and George Burden Esquires, viz. to be my Burgeses of my said Town of Ailesbury to serve in Parliament, &c. And in the Chappel of the Rolls is an Indenture of Return, 28 Eliz. Between the Sheriff of the County of one part, and John Packington Domini Burgi de Ailesbury & Comunitatem ejusdem of the other part. Quod prædict. Johannes & Comunitas ejusdem Burgi & Villæ, virtute warranti ejusdem Vicecomitis Ballivo prædicti Johannis directi, Eligerunt Tho. Talsburgh & T. Scott Armigeros, Essendos Burgenfes pro Burgo & Villa prædict.*

DIE Martis 31 Martii 1691. Ordered, That *Mr. Speaker* do issue his Warrant to the Clerk of the Crown to make out a New Writ for Electing a Burgess to serve in this present Parliament for the said Burrough of *Ailesbury*, in the Room of *Sir Thomas Lee*, Barronet, deceased. 1691

Die Martis 28 Aprilis 1691. A Petition of *James Herbert*, Esq; setting forth, That on the 6th of this Instant *April* he was duly Elected a Burgess to serve for the Town of *Ailesbury*, by the Majority of Qualify'd Voices; yet the Constables of the place, (who are the proper Officers to Return Precepts) after many undue Practices, have Returned *Mr. Simon Mayne*, contrary to Right; and praying the Relief of the House in the Premises, was Read and Referr'd to the Committee.

Jovis 22d Octobris 1691. (i. e. in the following Session) *Mr. Herbert* renew'd his Petition, and complain'd, That the Constables had return'd *Simon Mayne* Esq; to serve for the said Burrough, though most of those who voted for him received Alms, and paid neither to Church nor Poor, and therefore had no Right to Vote; and praying the Consideration of the House, and Relief in the Premises, was Read and Referred.

Die veneris 22 Januarii 1691. Ordered, That the Chairman of the Committee of Privileges and Elections do Report the Matter touching the Election of the said Burrough of *Ailesbury* on Monday Morning next at 10 a Clock.

Die Lune 25 Januarii 1691. Ordered, That the Chairman of the said Committee do Report the Matter of the said Election on Wednesday Morning next. But then, viz.

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Die Mercurii 27 Januarii 1691. Ordered, That the said Chairman do to Morrow Morning at 11 of the Clock, Report the Matter touching the said Election.

Report. Die Jovis Januarii 1691. Mr. Serjeant *Trenchard*, according to the Order of the Day, Reported from the said Committee the matter touching the Election for the said Burrough of *Ailesbury*, upon the Petition of *James Herbert Esq;* against the Return of *Simon Mayne Esq;* for the said Burrough, viz.

That the Numbers on the Poll stood thus, viz. $\left\{ \begin{array}{l} \text{For Mr. Mayne} \text{---} 186 \\ \text{For Mr. Herbert} \text{---} 115 \end{array} \right.$

That the Petitioner did not offer to take off from the Numbers of the Sitting Member, but alledged that some of the Voters had been Bribed. And called

Thomas Sheney, who said, he voted for Mr. *Herbert*; but that one Mr. *Chugh*, Sir *Thomas Lee's* Man, and Mr. *Kinnerfley*, that was Mr. *Wharton's* Man, had on the Day of the Election sollicitated him very much to Vote for Mr. *Mayne*. That he told him he was engaged to Mr. *Herbert*, and had drawn three Hogsheds of Beer upon his account, which he should lose if he did not Vote for him; and that Mr. *Chugh* pulled out of his Pocket a Bag, and said, he would pay him for them. But the said *Sheney*, being further examined, said, he could not be positive whether it was Mr. *Kinnerfley* or Mr. *Acham* that sollicitated him.

John Stratford said, that he voted for Mr. *Herbert*; but said that he ow'd 5 l. 12 s. to one *Bennet* of *London*, and that Mr. *Wickston*, who voted for Mr. *Mayne*, came to him, and told him, that if he would vote for Mr. *Mayne* he would discharge the Bond.

Charles Noy said, that *Ric. Parker* voted for Mr. *Mayne*; and that the said *Parker* told him he would be for him that would give him most Money; that afterwards the said *Parker* told him, one *Pratt*, who sollicitated for Mr. *Mayne*, had sent him two Loads of Wood on the day before the Election, and he asked *Parker* if he did buy them, and he told him he did not.

Richard Kempster said, that *Richard* told him, that if he would not give him any Money, he would go to Mr. *Mayne's* side, there he could have Money enough.

John Parker said, he voted for Mr. *Mayne*; that Mr. *Harrison* a Clergyman, who had concerned himself on the behalf of Mr. *Mayne*, gave him 4 half Crowns to vote for Mr. *Mayne*; and that if it had not been for the Money, he had voted for Mr. *Herbert*; that afterwards he went to Mr. *Harrison's* House to borrow 40 s. but Mr. *Harrison* refused it, and said, that what he gave he gave him freely. But

Richard Kinnerfley, being confronted with *Sheney*, said, that upon the Day of Election he was at *New-Market*. And

Robert Acham said, that Mr. *Wharton* bid him go and find out *Sheney*, and tell him that he had promised him his Vote, and he expected him to be as good as his word. That he met him in the middle of the Street on the Election-day, and that he and *Chugh* went to the *George* with *Sheney*, and there was no Offer made by *Chugh* of paying for Drink, as *Sheney* testified; and that *Sheney* went willingly with them.

Thomas Reed and *Nathaniel Birch* said, that when Mr. *Chugh* ask'd *Sheney* if he had offered him any Money; *Sheney* disown'd that he had, and said, that he was a Son of a Whore that should say so.

Mr. *Francis Hatton* said, that *Sheney* told him, upon his asking him if they had offered him any Money, that *Chugh* had not offered him any, but *Chugh* had offered him to pay for his Beer.

John Wickston said, that upon *Acham's* asking him if he had offered him any Money, *Sheney* said No; it was the *Lame Man*, he knew him very well.

Charles Noy said, that *Chugh* and one of Mr. *Wharton's* Men, when they went to the *George* on the Election-day, went on either side of him, like a Couple of Bailiffs, but did not see them pull *Sheney*; and that *Sheney* told him that they had offered to pay for the Beer, but he had flip'd from them.

Wickston, confronted by *Stratford*, said, that *Stratford* had formerly been his Servant, and before that contracted a Debt to Mr. *Bennet*; that at was twelve-month Mr. *Bennet's* Man came into the Country, and nothing would satisfy him but to sue *Stratford*; that *Wickston* persuaded him to accept of a Composition. And before Sir *Thomas Lee* dy'd, he sent to *Barnwell* and several others, to contribute towards the paying it off; but after Sir *Thomas Lee's* Death, being cautious lest they should attribute any thing to be a Design for the Election, he desisted. That he has offered him the Bond for 4 l. and 3 l. but never to vote for Mr. *Mayne*.

Mr. *Barn-*

Mr. *Barnwell* said, that about 12 months since Mr. *Wickstone* met him, and told him that *Stratford* was poor, and desired him to contribute to him; and that Mr. *Barnwell* told him, that if he could make it up he should have his Half-piece.

Prat said, he sold the Wood to *Richard Parker*; and *Richard Parker* said he bought the Wood of *Prat*, and agreed upon a Rate.

Mr. *Harrison*, being confronted with *John Parker*, said, he did not give *Parker* one Farthing, nor offered him any thing to Vote. And Mr. *Willis*, another Clergyman, said, that Mr. *Harrison's* Answer, when *Parker* came to borrow the 40 s. was, that he would do any *Ailesbury*-man what kindness he could, but would not be concern'd with them in matter of Money.

Daniel Parish and ——— *Prat* said, that they have heard *John Parker* swear God damn him if he had any Money of Mr. *Harrison*, and that he did not know what to swear if he did go to *London*.

That upon the whole matter the Committee came to these Resolutions following, viz.

1. "Resolved, That the Agents of *Simon Mayne Esq;* are not Guilty of Bribery, in corruptly procuring Votes at the Election of a Burgeſs to ſerve in this preſent Parliament for the Burrough of *Ailesbury* in the County of *Bucks*.

2. "Resolved, That *Simon Mayne Esq;* is duly Elected a Burgeſs to ſerve in this preſent Parliament for the ſaid Burrough of *Ailesbury*.

Both which Resolutions were, on the Question severally put thereupon, agreed unto by the House.

Die Lune 25 Novembris 1695. A Petition of *Simon Mayne Esq;* ſetting forth, That at the Election of Burgeſſes to ſerve in this preſent Parliament for the ſaid Burrough, Sir *Thomas Lee* Baronet, *James Herbert Esq;* and the Petitioner, ſtood Candidates; that the Petitioner ought to have been Returned as a Burgeſs with Sir *Thomas Lee*, they having the Majority of the Inhabitants who voted for them, and have Right to Vote; and that moſt of the Perſons who voted for Mr. *Herbert* have received Alms, or do not pay to Church and Poor, and therefore have no Right to Vote in any Election; yet, by many undue Practices both before and at the Election, Mr. *Herbert* procured himſelf to be Returned as one of the Burgeſſes for the ſaid Burrough, in wrong of the Petitioner; and praying that he may be reſtored to his Right by the Juſtice of the Houſe, was Read and Referred to the Committee of Privileges and Elections.

Die Martis 28 Januarii 1695. Collonel *Granville* Reported from the ſaid Committee the matter of the ſaid Election, as it appeared to them, viz. Upon the Petition of *Simon Mayne Esq;* complaining of an undue Return of *James Herbert Esq;* to ſerve for the ſaid Burrough.

That they had examin'd the Merits of the ſaid Election, and that at the Poll taken there was,

For Mr. *Herbert* ————— 178

For Mr. *Mayne* ————— 162

But it was inſiſted on by the Petitioner, that ſeveral Perſons that were not Qualified had voted for the Sitting Member, and that ſeveral Irregularities had been practiſed in that Election.

It was at firſt inſiſted on by the Petitioner, that the Right of Election was in the Inhabitants paying Scot and Lot. But they could bring no Evidence to prove the Right of Election to be ſo reſtrained.

And the Sitting Members produced as Witneſſes,

John Higgins and *Edward Cotton*, who proved, that the Uſage of the ſaid Burrough for 40 Years laſt paſt was, that the Houſe-keepers not receiving Collection uſed to Vote; and that none, who did not live in a Houſe of 5 l. a Year, paid to Church and Poor in *Ailesbury*.

Noy and *Church* ſaid, It was agreed by the Candidates, that ſuch as had not received Collection within 12 Months ſhould vote. And the Petitioner's Council admitted, that the Uſage had been ſo for 40 Years laſt paſt.

Mead and *Dickſon* teſtified, that Mr. *Dickſon* (who was choſen a Scrutineer) did, after the Poll was over, the ſame Night take Scrutiny, and had made ſeveral Exceptions to ſeveral of the Sitting Members Voters. But that one *Church* (who voted for Mr. *Herbert*, and appeared at the Election for him) ſnatch'd away the Paper of Exceptions from him, becauſe Mr. *Dickſon* would not agree that they ſhould be ſealed up with the Poll. But Mr. *Dickſon* own'd that he ſign'd the Indenture for Returning Mr. *Herbert*.

That

Burgus de Ailesbury.

That then the Petitioner proceeded to disqualifie several of the Sitting Member's Voters, and produced *Henry Mills*, who said, that *Charles Haywood* liv'd in the same House with him, but did not pay Rent to him, but to his Mother, whose House it was; and that *Mills* himself voted: So the Question was, which of them two ought to Vote for the said House.

Ely Rolf said, that *William Stocker* took a House but nine Days before the Election at 12 s. a Year Rent.

Eliz. Baily said, that *John Hatton* liv'd with *Goldsworth*; but *William Spencer* being call'd on behalf of the Sitting Member, said, that *Hatton's* was always reckon'd a distinct Tenement, and that he Watched and Warded.

William Lee said, that *Edward Edwards* liv'd with his Father *William Cooper*; but *Spencer* said that *Edwards* was a Housekeeper, and that he watched and warded. That *John Colson* was no Housekeeper; but *Spencer* said he was, and that his Mother had yielded up the House to him: And that *Charles Noy* was no Housekeeper; but own'd he receiv'd the Toll of the Market, and that he was Constable the last Year.

John Hawkes said, that *John Smith* was an Inmate to *Samuel Stevens*; but *Daniel De la Field* said, that *Stevens* was the Inmate, and *Smith* the Housekeeper.

Robert Dodd said, that *Francis Edun* was no Housekeeper, but *De la Field* said he was. That *John Bigg* was a Servant, having run out all; but *Spencer* said he was a Housekeeper.

William Lee said, *Richard Saunders* was an Inmate to his Mother.

Tho. Dyke said, *Gabriel White* was the same; but *Spencer* said he was a Housekeeper, and watch'd and warded.

Robert Holland said, that *Hitchindale* was a Servant to his Mother, and she had all for her Life; but *Goldsmith* said *Hitchindale* was an Assessor with him to the Aid-Tax, and paid to Church and Poor.

Joseph Brasbridge said, that *John Havington* was no Inhabitant, having taken a House, but gave no notice according to the Statute: That he took a House of about 5 l. a Year, and liv'd there half a Year, and was warn'd out. But *W. Goldsmith* said, he took a House of 6 l. a Year for 16 Years, and paid the Town-Duties, and went away because the Town would not maintain his Trade.

Tho. Oviat said, he found *John Miles*, *John Medley*, *John Murrel*, *J. Bell*, and *J. Tensfall* in the Poors Book to have received Collection, and particularly *Bell* often, and all since Lady-Day 1694. But *Goldfinch* said *Miles* was not in the Poors Book.

And *Samuel Higgins*, *Tho. Bell*, *R. Robinson*, *Tho. Collins*, *Robert Payton*, and *Richard Good*, were admitted to be no good Housekeepers.

That then the Petitioner endeavoured to make out several Irregularities in the Election.

Mr. Mayne jun. said, That about 4 days before the Election *Tho. Wildgoose* came to him, and brought 3 or 4 with him, and said he would serve the Petitioner, and bring them over, if the Petitioner would consider him for the loss of time; and that he reply'd, the Petitioner could not do that, but it may be might help him in his Trade: And *Wildgoose* answered, if the Petitioner would not do it, the other side would. And on Monday after he told the said *Mr. Mayne*, that he had promis'd *Mr. Herbert* his Voice.

That *Thomas Ball* (who voted for the Petitioner at the last Election) three days before this Election had promis'd to vote for the Petitioner; but afterwards told *Mr. Mayne jun.* that he had received two threatening Letters from *Sir John Packington*, and said he was sorry he could not vote for the Petitioner; but must not ruin himself.

Susan Duncomb and *Eliz. Baily* said, that *T. Hickman* asked *Giles Read* to be for *Mr. Herbert*; upon which *Read* told him there was 10 s. due to him since the last Election, and if *Mr. Herbert* did not pay it him he would not be for him; whereupon *Hickman* promis'd to pay him the said 10 s. and that *Read* voted for *Mr. Herbert*, but could not say whether the 10 s. was paid him. And *Duncomb* also said, that *Edward Edwards* voted for *Mr. Herbert* because he had given him a black Pig; but *William Bell* said he made a Chop for that Pig with *Thomas Sheney*.

Eliz. Baily also said, *James Brandon's* Wife speaking to her Husband not to lose his time, he told her he was paid for it, and would have 20 s. more if he voted for *Mr. Herbert*. That *Richard Kempster* Friday night before the Election said, he had designed for *Mr. Mayne*, but *Mrs. Piddrington* had promis'd him a Coat, and because her Husband had not done wearing of it, and she did not give it him, he voted for *Mr. Herbert*.

Richard Bates and *Daniel Parry* said, that *Thomas Dawny* had a Messenger sent to him, that if he would come down, he should return safely; supposes he owed Money, and that they would satisfy *Goody Colling*, whose Arm was broke by him.

William Lindon said he saw *Mr. Herbert* give *Dawny* a Guinea the day after the Election.

Edward Lewin said he saw *Mr. Herbert* give *Matthew Little*, who voted for him, some Money, and he put it in his Pocket without looking on it: That *Mr. Herbert* said nothing upon giving it, but gave it at the *White Heart*, the Room being full of People.

Mr. Mayne jun. said, *Little* promis'd to vote for the Petitioner, but voted for *Mr. Herbert*.

John Hawkes said, that *John Colshill* confessed one of my Lord *Carnarvan's* Servants had taken away a Net from him, and that *Mr. Fines* my Lord's Gentleman told him, if he would vote for *Mr. Herbert*, he should be paid for it; the Net was valued at 15 s. and that *Colshill* gave his Vote upon that account for *Mr. Herbert*, otherwise he design'd to vote for *Mr. Mayne*.

But *Mr. Fines* being asked by the Sitting Member, said he knew not of any Net taken from him, nor had offer'd him any Money for it.

That on behalf of the Sitting Member were produced against the Evidence of *Duncomb* and *Baily*, as to *Read*,

Goldfinch and *Church*, who testified, that they were present at the time mentioned by *Duncomb* and *Baily*, and that they did not hear *Read* say, that he would not vote for *Mr. Herbert*, unless he paid him the 10 s. But on the contrary, that he said there was 10 s. due to him for Drink drawn for *Mr. Herbert* at the last Election; but however he would be for him again now, tho' he was not paid for it. And *Hickman* and *Read* said to the same effect, and deny'd any Promise to pay him 10 s. as testify'd by *Duncomb* and *Baily*.

Rob. Mead and *Oviat* said, that *Hickman* acted very much for *Mr. Herbert*.

Rob. Holland said, *Goldfinch* told the People, that what Drink they drew for *Mr. Herbert* they should be paid for.

Geo. Baldwin said, that *Zach. Whitemill* told him he had 5 s. for voting for *Mr. Herbert*, given him by a Person he did not know at the *White-Heart Inn* used by *Mr. Herbert*.

Tho. Williams said *Whitemill* did own he had Money to be for *Mr. Herbert*, but would not take the same till he came before the Parliament. That afterwards he confessed it to *Mr. Wharton*, and the next day told it to *Baldwin*. At first he said he had 5 s. for Drumming, but afterwards said he had 5 s. before for his Voice.

That by way of Answer for the Sitting Member was produced

Zach. Whitemill, who said, that he had receiv'd no 5 s. of *Mr. Herbert*, but 5 s. the Wednesday after the Election for Drumming; but he had been drinking at *Platt's House*, and was in Beer, and *Platt* told him, if he would confess he voted for *Mr. Herbert* for Bribery, he should want nothing of Gold or Silver, and named 20 l. and *Williams* said he would engage for the 20 l. And further said, that if he did say he had 5 s. for voting for *Mr. Herbert*, it was on account of the 20 l. promis'd him. But *Tho. Williams* being produced by the Petitioner, deny'd that he had said any thing about the 20 l.

John Wickson said, that he was by all the time that 'tis said the Discourse was about the 20 l. and that he heard no such Discourse.

Richard Heydon and *Church* said, That *Whitemill*, after he came from *Mr. Wharton's*, did say, that *Platt* would have hired him to say he was bribed, and that if he would but own he had Money to vote for *Mr. Herbert*, it should be 20 l. in his way.

John Shene said, that *Noy* offered him 40 s. to vote for *Mr. Herbert*, 17 whereof he had then in his Pocket; and that he told it within 2 or 3 days after to *Oviat*, that *Noy* had offered him the 40 s. and *Oviat* said, that *Shene* had told him that *Noy* had offer'd him 40 s. as said by *Shene*.

Brasbridge said, that *Noy* was for *Mr. Herbert*, and told him they were fain to promise *Mr. Herbert*, that if he did not carry it, it should cost him nothing.

But to answer this Evidence of *Shene*, was produced by the Sitting Member.

Andrew Brewster and *Richard Haddon*, who said, that *John Shene* had no Vote; for he had a Child born, and disabled himself to pay upon the Act of Births and Burials, and did receive Collection. But *Alexander North* Overseer of the Poor said, that *Shene* had receiv'd no Collection since *Easter* last, nor did know that ever he did. And *Goldfinch* said, that he had heard *Shene* answer to one that asked him if he had received

ceived any Money, that he had received nothing of any body for his Voice; but said, the Devil was in People for Lying.

William Windon said, that at the Election Day he went to the Market-Hall, and was for *Mr. Mayne*, and that they would let in only who they thought fit: And that the Marquifs of *Carmarthen* came up to him, and said he would make an Example of him, and shook his Fift at him.

Tho. Todd and *John Pratt*, the two Constables, said, the Marquifs of *Carmarthen* did threaten to ruin them, and fetch them up, if they did not return *Mr. Herbert*.

W. Lindon and *W. Cox* said, that *Harry Goodson* that was for *Mr. Mayne* was made drunk by *Mr. Herbert's* Friends, and did not vote at all.

That for the Sitting Member was called

Charles Noy, who said, that there were several Persons of Quality at this Election as was usual, and named the Marquifs of *Carmarthen*, the Earl of *Abingdon*, *Mr. Wharton*, and *Coll. Godfrey*.

William Church said, that *Mr. Wharton*, *Sir Tho. Lee*, and other Gentlemen being at his House the 14th of *September*, the Fair-Day, and *Mr. Summer* fell into a Passion, and asked if all there were not Friends, and asked if he was not he would declare. Whereupon he said *Sir Thomas Lee* was sure of his Voice, but he would reserve his Voice as to the other. Thereupon *Mr. Wharton* said, *Church* sit down, we have no need of your Voice: I bid defiance to any Gentleman that shall oppose us here. But *Church* did confess that *Mr. Wharton* did tell *Mr. Summer* that was not his business.

Charles Noy and *John Higgins* said, they were Constables last Year, and chosen by the *Leet*, and yet were put out at the Sessions before they had served their Year, though never summoned nor petitioned against, nor had desired to be discharged, and two others (strong Men for *Sir Tho. Lee* and *Mr. Mayne*) made Constables.

And *Burman* said, *Mr. Dormer* was in the Chair of the Sessions.

Charles Noy and *Norris Fines* said, that the Scrutiny was adjourned from *Monday* night to Nine the next Day, and then adjourned again.

That on *Tuesday* Evening they meet again, and that *Mr. Mayne's* Constables withdrew themselves.

That the Constables went to *Mr. Herbert* at 11 a Clock on *Tuesday* Night, and declared they had found him and *Sir Tho. Lee* Elected, and that they would all sign the Return on the morrow.

That the Marquis of *Carmarthen* went out of the Town about One a Clock, and did not return till afterwards.

That then the Sitting Member proceeded to disqualify several of the Petitioner's Voters, and prov'd about 15 to be either no Housekeepers, or to have receiv'd Collection. And *Edward Cotton* said, that he had inspected the Register, and finds *W. Bowton*, *Tho. Wray*, and *John Jordan* to be under Age.

That the Petitioner's Council said, that they had Evidence to justify many of the Votes objected against by the Sitting Member; but it was much of the same nature as the Evidence given by the Sitting Member to justify the Votes objected to by the Petitioner; but the Petitioner's Council did not much insist to have them heard, nor did the Committee think it very material.

And that upon the whole matter the Committee came to these Resolutions, viz.

" 1. That the Right of Election of Burgesses to serve in Parliament for the said Burrough is in all the Houholders of the said Burrough not receiving Alms.

" 2. That *James Herbert* Esq; is duly Elected a Burgess to serve in this Parliament for the said Burrough.

And the said Resolutions being severally read a 2^d time, were upon the Question severally put thereupon agreed unto by the House.

1698.

Die Luna 12 Decembris 1698. A Petition of *Simon Mayne* Esq; setting forth, that the major part of legal Voters to chuse Parliament-men, at the last Election for the said Burrough, would have polled for the Petitioner; but the Constables of the said Town (who were the proper Officers) refused to poll many of them, by which and many other undue Practices *James Herbert* Esq; got himself Returned by the said Constables, who ought to have Returned the Petitioner: And praying the House to take the Premisses into Consideration, and to do therein as they shall think meet: Was Read and Referred. Also

A Petition of *Richard Cockman*, and other Inhabitants of the said Burrough, on behalf of themselves and others of the said Burrough; setting forth, that many of the Inhabitants of the said Burrough, who had a Right to chuse Members at the last Election

for Parliament, were refused by the Constables to Poll for *Simon Mayne* Esq; and many other illegal Practices were used to chuse *James Herbert* Esq; who was Returned, though Mr. *Mayne* of Right ought to have been so, by reason more qualified Voters would have polled for him (if they might) than for Mr. *Herbert*: And praying Relief in the Premises: Was Read and Referred.

Die Veneris 16 Decembris 1698. A Petition of *Robert Dormer* Esq; setting forth, that the Petitioner was one of the four Candidates at the last Election of Members to serve in this present Parliament for the said Burrough, whereby divers illegal Practices in behalf of Sir *Tho. Lee* a Sitting Member, and *Simon Mayne* Esq; a Majority of Votes was procured for Sir *Tho. Lee*, who was thereupon Returned to the Petitioner's prejudice: And praying that the House do take the Premises into Consideration: Was Read and Referred.

Die Jovis 22 Decembris 1698. A Petition of *Richard Heywood* and others Inhabitants of the said Burrough, in behalf of themselves and divers other Inhabitants of the said Burrough; setting forth, that at the last Election of Members to serve in this present Parliament for the said Burrough, divers illegal Practices were used on behalf of Sir *Tho. Lee*, one of the Sitting Members, and *Simon Mayne* Esq; by which means a Majority of Votes were procured for Sir *Tho. Lee*, who was thereupon Returned in prejudice of the Petitioners: And praying Relief in the Premises: Was Read and Referred. And Ordered, That the Committee do hear the Matter of the said Petition at the same time the Matter of the former Petitions relating to the said Election is by the said Committee appointed to be heard.

Die Jovis 24 Januarii 1698. Sir *Rowland Gwyn* acquainted the House from the Committee, That by hearing the Complaint of a Matter of Privilege, and by reason the hearing the Merits of the Election for the said Burrough of *Ailesbury* hath lasted several Days, and by the Adjournment of Committees; Causes depending before the said Committee had been postponed many Days from the time they were first appointed: And that the Committee had directed him to pray the Direction of the House what was fit to be done in that Case for the Ease of the Persons concerned.

Ordered, That the Committee of Privileges and Elections be empowered from time to time to alter in course the Days of hearing the said Causes, as they shall happen to be postponed.

Die Martis 7 Februarii 1698. Sir *Rowland Gwyn* Reported from the said Committee the Matter of the Election for the said Burrough, as the same appeared to them, and their Resolutions thereupon, which he read in his Place, and are as follow, viz.

Upon the several Petitions of *Simon Mayne* Esq; and divers Inhabitants of *Ailesbury*, complaining of an undue Return of *James Herbert* Esq; and also upon the several Petitions of *Robert Dormer* Esq; and of other Inhabitants of *Ailesbury*; complaining of the undue Return of Sir *Thomas Lee* to serve for the said Burrough of *Ailesbury*.

That the Right of Election was agreed to be in the Houholders not receiving Alms.

And the Numbers of the Poll as it was taken were agreed to be	{	For Sir <i>Thomas Lee</i> ————	168.
		For Mr. <i>Herbert</i> ————	158.
		For Mr. <i>Mayne</i> ————	157.
		For Mr. <i>Dormer</i> ————	149.

That the Right of the *Bedford* Charity-men to vote was controverted by the Petitioners and Sitting Members: And as to that matter it appeared

That *John Bedford* by his Will made the 12th of July 9 H. 7. allotted Lands of about 120 l. a Year, for the Repair of the High-ways about *Ailesbury*, and to be dealt in Alms to Blind People, Crooked, Sick, and Poor People.

In 39 Eliz. there was an Act of Parliament for settling this Charity, by which the said Trust is vested in 9 Persons, who are made a Corporation, and empowered to act in the Disposition of the said Charity according to the Will of Mr. *Bedford*, and are to have perpetual Succession by the Name of the Surveyors of the High-ways of *Ailesbury* in the County of *Bucks*.

That this Charity accordingly every St. *Thomas's* Day is distributed by the Feoffees to the Poor of *Ailesbury* by 2 s. 2 s. 6 d. 3 s. 4 s. or 5 s. a piece, or such small Sums, and is commonly continued to the same Persons for their Lives; but 'tis discretionary in the Feoffees to change the Persons as they think fit: And for this Charity every three Years they account to the Bishop of *Lincoln*.

That it also appeared by the Testimony of *Robert Holland*, who had lived in *Ailesbury* 48 Years, and of *Alexander Dover*, who has known *Ailesbury* above 40 Years, and of *Henry Munday*, who was born in *Ailesbury* in 1652. and has known several Elections, That these Men who received the *Bedford* Charity were always admitted

to vote, and could not say their Votes were refus'd upon any Election.

But *John Heywood* said, that at the Election in King *James's* time, when *Sir Tho. Lee* and *Sir Richard Ingoldsby* stood against *Sir William Egerton* and *Mr. Anderson*, the *Bedford-men* were polled with a *Quare*, and their Votes not allowed upon Scrutiny, and *Sir William Egerton* and *Mr. Anderson* were Returned, who with the *Bedford-men*, *Sir Tho. Lee*, and *Sir Richard Ingoldsby*, did then insist, that the *Bedford-men* had a Right to vote. And *Heywood* said, that he did not remember any Contest till then.

And the Committee upon consideration of the matter were of opinion, 1. "That all Persons receiving Alms within the Burrough of *Ailesbury*, pursuant to the Will of *Mr. Bedford*, are in respect thereof disabled to vote in the Election of Burgesses to serve in Parliament for the said Burrough.

That the Petitioner *Mr. Mayne's* Council, who were also for *Sir Tho. Lee*, insisted, that several who had a Right to vote, and did offer to vote for *Sir Tho. Lee* and *Mr. Mayne*, were refused by the Constables, and that others who had voted for *Mr. Herbert* and *Mr. Dormer* had no Right to vote. And that *Robert Eggleston* did come and first give his Vote for *Sir Thomas Lee* and *Mr. Mayne*, but was not put down so; but afterwards his Poll was taken for *Mr. Herbert* and *Mr. Dormer*.

The Persons that they complained were refused by the Constables, were, *Sam. Stevens*, *Matthew Willis*, *John Pate*, *Rob. Crocket*, *Tho. Brazier*, *Rob. Ironmonger*, *Fra. Walton*, *Edward Parish*, *Robert Hitchcock*, *W. Forbes*, *Ja. Gullet*, *Tho. Williams*, *Henry Woodhouse*, *Ely Rolf*.

That *Sir Tho. Lee* and *Mr. Mayne's* Council called Witnesses to qualify the 14; but 6 of them, viz. *Willis*, *Pate*, *Ironmonger*, *Woodhouse*, and *Rolf*, being agreed to have received the *Bedford-Charity*, and all such being by the Opinion of the Committee incapacitated to Vote, they thought it not necessary to trouble the House with the Evidence relating to them.

That the Evidence with Relation to the remaining 8 was as follows, viz.

Mr. Tho. Oviat and *Samuel Stephens* said, that *Samuel Stephens* was a Householder, and did not receive Alms, and had been Constable twice, and paid to the Window-Tax. But it was acknowledged, that one *Smith* lives under the same Roof, and that there was but one Door to the Street from *Stevens's* Apartment, and from *Smith's*. But *Stevens* paid above 4*l.* per Annum Rent, and *Smith* but 40*s.* a Year; and *Stevens* had voted at an Election 3 Years ago, and he had lived there about 12 Years, and *Smith* about 5 Years. That *Smith* had voted but with a Quere, yet *Smith* was admitted to poll for *Mr. Herbert* and *Mr. Dormer*, but *Stevens's* Vote for *Sir Thomas Lee* and *Mr. Mayne* was refused.

Thomas Lee, *Robert Hitchcock*, and *William Lee* said, that *Rob. Crocket* is an Householder, and that his House was got ready for him against *Lady-Day*. And *Mr. Goldfinch* the Constable said, he was not an Inhabitant, because he had not given notice; But the Witnesses testified, That for his House and Land he paid 10*l.* a Year at least. They also said, that he had a Pack in several Towns, and would have voted for *Sir Thomas Lee* and *Mr. Mayne*.

Thomas Lee said, that *Thomas Brazier* was a Householder, and did not receive Alms; that the part of the House where he lives has been divided a dozen Years; that he took the House a Fortnight before the Election, and would have voted for *Sir Thomas Lee* and *Mr. Mayne*, but was refused as not having been a Householder long enough.

Mr. Oviat said, that *Brazier* paid half a Year's Rent due at *St. Thomas's Day* last; and that *Richard Holey*, living in the same part, was brought in a Chair, and voted for *Mr. Herbert*, and *Mr. Parish* for *Mr. Mayne*.

John Clark and *John Mayberry* said, that *Edw. Parish* was an Housekeeper; and *Clark* said, that *Parish* had Watched and Warded, and had lived there ever since before *May*; and that he offered to Vote for *Sir Thomas Lee* and *Mr. Mayne*, and was refused.

William Lee said, that *Robert Hitchcock* was an Inhabitant, and did not receive Alms; and *Hitchcock* himself said, he offered to vote for *Sir Thomas Lee* and *Mr. Mayne*, but was refused.

Alexander Dover said, he knew *William Forbes* to be a Housekeeper; and *Forbes* himself said, that he came to *Ailesbury* the 2d of *May*, and took a House the 20th of *May* of *William Kirkby*; that he was disbanded before he came to live in Town, and marry'd a Woman that liv'd there; and that he would have voted for *Sir Thomas Lee* and *Mr. Mayne*, and was refused.

James Gullet said, he would have voted for *Sir Thomas Lee* and *Mr. Mayne*, and was refused; and *Goldsmith* told him he would not poll him, unless he knew whom he was for; that he came to *Ailesbury* in *January* was twelve-month.

Thomas Rolf said, that *Gullet* had marry'd a young Woman that own'd the House he liv'd in.

Thomas Williams said, that he offered to poll for *Sir Thomas Lee* and *Mr. Mayne*, and was refused.

William Lee said, that *Tho. Williams* is a Housekeeper, and did not receive Alms; that *Whitchurch* liv'd under the same Roof, but he received Alms, and did not poll, and said he had nothing to do to poll.

Richard Wright and *Thomas Read* said, that *Robert Eggleton* when he came first to poll, gave him his Vote for *Sir Thomas Lee* and *Mr. Mayne*; but his Vote was not then put down. But he was whisper'd by the Constables, and afterwards voted for *Mr. Herbert*.

That then the Council proceeded to take Exceptions to 6 of the Votes for *Mr. Herbert* and *Mr. Dormer*, viz. *John Smith*, *John Mills*, *Robert Rowe*, *Joseph Gyles*, *John Tenford*, and *Charles Noy*; but all but *Gyles* and *Noy* had received the *Bedford-Charity*, and so need not trouble the House with the Evidence relating to them. And as to *Gyles*, *Alexander Dover* said, that *Gyles* came in last Year, and had notice to Remove; upon which he promised a Certificate, but had not brought it. But *Dover* acknowledged him to be a Housekeeper the 21st of *July* last. And *William Lee* said, that *Charles Noy* liv'd in a House that three Years ago was his Mother's, but could not tell whether his Mother or he kept House.

Sir Thomas Lee and *Mr. Mayne's* Council also insisted, That there had been Partiality shewn by the Constables; and for that called

Matthew Lee, who said, that he was at *Richard Kingham's* Shop, and heard him say, that Right or Wrong they would Return *Mr. Herbert* whoever they left out.

John Hasel said, that he came on the Election-day to *Hawkins's* House, and ask'd him who his Master voted for; and said, he doubted his Master would fool himself in voting for *Sir Thomas Lee* and *Mr. Mayne*, and that his House would go no higher.

For *Mr. Herbert* and *Mr. Dormer*, the Council produced

Robert Eggleton himself, who said, he voted for *Mr. Herbert* and *Mr. Dormer*, and never offered his Vote for any other. And

Richard Heydon, who said, that the Constable took *Eggleton* by the Hand, and ask'd him who he voted for? That *Eggleton* spoke low, and the Constable told them he voted for *Mr. Herbert* and *Mr. Dormer*. And *Mr. Mayne* not being satisfy'd, had him call'd in again, he not being four Yards from the Bar, and he repeated his Vote over again for the same.

That as to the 8 that *Sir Thomas Lee* and *Mr. Mayne's* Council said had a Right, and were refused, which were not *Bedford-Men*. *Mr. Herbert* and *Mr. Dormer's* Council called several Witnesses, viz.

John Whorwood, who said, that *Stevens's* House was never reckon'd a Dwelling-House till he lived there; but was a Wash-House and Kitchin, part of a Farm-House: But said, that *Stevens* lived there before him, and had been Constable; but *Smith* came into it, and had served no Offices.

William Spencer said, He took the Right of Voting to be in *John Smith*, he dwelling in the Front-part, and having voted at a former Election.

Thomas Bigg and *John Ivory* said, that *Robert Crocket* came to *Ailesbury* at *Lady-Day*, or not long before; that he is a *Scotchman*, and before carry'd a Pack; that tho' he had Rented 10 *l.* a Year in House and Land of several Persons, he had been warn'd out by the Justices, as not settled by the Statute.

Peter Wilkins and *Richard Talboys* said, that *Brazier* paid 3 *s.* 6 *d.* per Week for his Board; and *Dover* his Landlord bid him provide himself a Bed, a Loaf, and piece of Cheese, and take a part of a House. and he should have a Vote; and that he removed three or four days before the Election, and since he returned to *Dover's* again.

William Spencer said, that *Edw. Parish* was a Servant to one *Dareny* of *Ailesbury*, and Rented a Cellar of Beer of him; and a little before the Election said, he would take a House, and have a Voice; and that he lay at his Master's House before the Election, and since; and that he and one *White*, in the same Circumstances, who would have voted for *Mr. Herbert* and *Mr. Dormer* ejected at the same time. And said, that *Rob. Hitchcock* had two Houses of his own in the Town, but the one was

Empty, and the other was Let; and that he warn'd him to Watch as the next Neighbour, but he refused.

John Gutteridge said, that *Robert Hitchcock* had kept House since *Michaelmas*, but liv'd with his Mother before, and at the time of the Election.

Thomas Bigg, *John Ivory*, and *John Heywood* said, that *William Forbes* and *Isaac Gullet* were disbanded Soldiers, and Scotchmen; that they had been in *Ailesbury* about six Months; that they had been warn'd out, but the Justices had a difficulty upon them about removing them; that *Forbes* lived with a Woman, as his Wife, who was formerly an Inhabitant.

Richard Heydon said, that *Thomas Williams* was no Householder, but lived with *Whitchurch*; that *Williams* in the Election before offered to vote, and was deny'd by *Mr. Mayne's* Agent, and the Constables polled *Whitchurch*; and *Williams* and *Whitchurch* did respectively live in the same part of the House they held at that Election.

Richard Talboys said, that *Williams* was no Housekeeper, but lived with *Whitchurch*, and *Whitchurch* built the House. And as to *Gyles*, it was admitted he came by Certificate; but he was there the Christmas before the Election.

Thomas Kempster said, that *Charles Noy* had been a good House-keeper six or seven Years, and Constable three or four Year ago, and Rents 50*l.* a Year, and Watches and Wards, and pays all Dues; that he lives in a Victualling-House with his Mother, but in an Apartment separate to himself, and could not tell in whose Name the License was.

That the Council for *Mr. Herbert* and *Mr. Dormer* demanded Allowance for *Edw. Taylor*, who they said was refused as a Minor. And *Samuel Higgins* produced a Certificate of the Register, by which it appear'd, that *Edw. Taylor* was Baptized the 2d of June 1677. And he said, that the said *Taylor* tendred his Vote for *Mr. Herbert* and *Mr. Dormer*, but was refused to poll as Under-Age. And a License was procured in his Name 26 April 1698.

That the Council for *Mr. Herbert* and *Mr. Dormer* then objected to 7 that voted for *Sir Thomas Lee* and *Mr. Mayne*, viz. *Rob. Peyton*, *J. Ellis jun.* *J. Sheppard*, *J. Meadon*, *Rob. Holland*, *Alex. Duncomb*, *Matth. Ashley*. But *Peyton* and *Meadon* having received the *Bedford-Charity*, they needed not to trouble the House with Evidence relating to them. And as to the other 5, the Evidence was thus.

Mr. Brooks and *Mr. Higgins* said, that *John Ellis jun.* was no Housekeeper; but has a Chamber in the House, eats with his Mother, and pays for his Dyet.

Mr. Robert Hart said, that *John Sheppard* was a Tenant to him a Year and half since, but left his House a Year since, and got in again a little before the Election, without any new Bargain, or his Privity.

Charles Noy and *William Goldsworth* said, that *Rob. Holland* declared he had nothing to do with the House he lived in, but was a Sojourner; for he had made all over to his Grandson.

Mary Goldsworth and *William Jones* said, that *Alexander Duncombe* lived with his Mother; and *Goldsworth* said, she had seen *Duncombe* pay his Mother for Drink, she keeping a Publick House; and *Jones* said, that *Duncombe* declared his Mother had paid Rent 16 Years.

John Haywood and *Tho. Eccleton* said, that *Matth. Ashley* was a Housekeeper, but he came to *Ailesbury* as an Hostler, and stood warn'd out of the Town.

That as to the *Bedford-Charity-Men*, it appeared by a Book, or List of 60 Persons given in to the Committee, and named in the Report, that they had all received that Charity, and had all voted for *Sir Thomas Lee*; and that all of them, except three, had likewise polled for *Mr. Mayne*.

That *Mr. Herbert* and *Mr. Mayne's* Council insisted also, That several others who were not mentioned in the Book of the Account of the *Bedford-Charity*, and have polled for *Sir Thomas Lee* and *Mr. Mayne* had received the *Bedford-Charity*, and for that called

Judith Hales, who said, she saw the Wife and Daughter of *George Welsh* on last *St. Thomas's* Day receive of *Bedford's* Charity from a Woman who hath usually delivered the same for several Years last past; and that the several Wives of *John Ironmonger*, *Tho. Harris*, and *Tho. Layton*, received it from the same Woman at the same time; and that *John Read* himself also received it from the same Woman at the same time.

That then *Mr. Herbert* and *Mr. Dormer's* Council proceeded upon the point of Corruption; and for that called

Peter Wilkins, who said, that he voted for *Sir Thomas Lee* and *Mr. Mayne*, and had

had 3*s.* given him by *Alex. Dover* to vote so, which 3*s.* was promised should be made 3*l.* and that afterwards *Dover* desired him not to speak of it; telling him he had rather give the said *Wilkins* 5 Guineas; and that *Dover* went with him to an Ale-house, where was *Williams*, *Brooks*, and *Oviat*, 3 of the Feoffees, and there he was promised his Money by *Saturday* following. And afterwards the said *Wilkins* received 50*s.* from *Mr. Young* an Attorney, who told him, he brought it from *Mr. Mead*; that *Young* required a Note for the said 50*s.* which he gave; but *Mr. Young* said, it should be his own when the Election was over; and *Dover* told him it was the Feoffee's Money; that he also had given him two Barrels of Beer before the Election, and three since. That *Dover* desired him to give it under his Hand to discharge the Bribery, and told him, if he would go before a Justice, and swear he would not come to Town, he should have 6*l.* And *Dover* also told him, if he would not declare this matter he should have 10*l.* when the Election was over; That if it had not been for the said Money, he had voted for *Mr. Herbert* and *Mr. Dormer*; and further said, that he did not know *Dover* to be *Sir Thomas Lee's* Agent in other matters, but that *Sir Thomas Lee* had bought Bricks of him.

Samuel Weaver said, he had 20*s.* from *Williams* to vote for *Sir Thomas Lee* and *Mr. Mayne*, and to let *William Clerk* come into his House to try to vote; and *Williams* said, that it was out of *Bedford-Money*; and that *William Tucker* gave *Jordan* 6*s.* to pay for his Child's Birth and Burial to vote for *Sir Thomas Lee* and *Mr. Mayne*; and *Dover* and *James Jordan* gave his Wife 12*d.* each, and asked him to vote for *Sir Thomas Lee* and *Mr. Mayne*; but he did not vote for them, because he would not uphold Bribery.

Richard Weeks said, that *Samuel Dover* offer'd him a Guinea if he would vote for *Sir Thomas Lee* and *Mr. Mayne* to be paid when the Election was over.

James Brandon said, that he being Indicted for selling Drink without License, *Mr. Mayne's* Son told him, if he would vote for his Father he should have a License, and should cost him nothing; and *Mr. Mayne's* Son gave his Brother half a Crown to give him for his Day's Work.

That as to the Carriage of the Constables.

William Bampton said, that the Poll began before he came, but he stay'd till it was shut up; and before it was shut up they made Proclamation, and then stay'd half an Hour, and then made Proclamation again; and that *Mr. Mayne* was angry they did not shut up the Poll; and *Bampton* said, he thought the Constables impartial.

Richard Heydon said, that the Constables behaved themselves very Equally, and that he did not perceive any angry Words; only *Mr. Mayne* threaten'd the Constables for not polling some that were for him.

Samuel Bampton said, that *Rose*, the first time he came, he gave only a single Vote; and afterwards came, and would have polled for *Mr. Dormer*, but was deny'd by *Mr. Mayne*.

That *Sir Thomas Lee* and *Mr. Mayne's* Council, by way of Reply to justify the Votes excepted to on the other side, called

Peter Goldsworth, who said, that *John Ellis* has part of a House descended to him from his Father. *Thomas Newin* said, *John Ellis* has watched on the King's Watch on his own account. And *Gullet* said, he had seen *John Ellis* buy Victuals, and make his Bread, but in his Mother's Apartment; that he has no Servant, but provides for himself, and repairs his part.

Alexan. Dover said, that *John Sheppard* is a Housekeeper, and took a House of him at *Michaelmas* 1697, and Rented it to *Michaelmas* 1698. *Dover* and *Holland* said, that tho' *Sheppard* had been sometimes to help his Mother, yet he came to Town a Month before the Election, and his Family was at *Ailesbury* all the time.

Nathaniel Netmaker said, that *Holland* and *Duncomb* were both Housekeepers at the last Election, and he had received of them 3 Quarters of the Land-Tax; and *Holland* said, that *Duncomb* had been a Housekeeper three or four Years.

That *Matth. Ashby's* License was produced, Dated 26 April 1698. and also his Lease dated 14 December 1697.

That against *Taylor's* Vote, insisted on by *Mr. Herbert* and *Mr. Dormer* they produced

Henry Bayley, who said, *Edw. Taylor* lived with his Mother, and paid her for Drink; and his Mother receives and pays particularly for the Hackney-Horses; and that *Taylor's* Father had been dead for two Years.

That then *Mr. Oviat* gave the Committee an account of such Men as he said had polled for *Mr. Herbert* and *Mr. Dormer*, and had received the *Bedford-Charity*, viz.

Burgus de Ailesbury.

William Holloway, John Morrell, John Money, William Cooper, John Roe, William Smith, Samuel Kingham, Tho. Bourne, John Horwood sen. John Berry, John Capell, Tho. Eggleton, Ric. Walker, Fra. Wildgoose, Jos. Bell, William Butler, Steph. Holloway, Rob. Row, J. Miles, W. Walcapp, Jeff. Russel, Sam. Weaver, J. Fensford, Rob. Goldsworth, J. Smith, W. Man, W. Stocker, Ric. Kempster, T. Dawney, T. Showler, Rob. Wheeler jun. Dan. Horn, Jacob North, J. Paine, J. Treadon, J. Kempster jun. Ric. Good, W. Frayton, W. Haley, W. Kirkby, J. Bell. jun. W. Leaver and W. Norris polled both for Mr. Herbert and Mr. Dormer. And *T. Colcell, W. Feather, Tho. Lee jun. Ja. Brandon, John Clark sen. W. Bridgefoot, John Southwell, and John Cossel jun.* for Mr. Herbert only, and *John Johnson* for Mr. Dormer only.

But by the Book of Bedford Charity it appeared, that *John Johnson* was only paid out of the Charity Stock for making a Gown for Widow Bradley.

That as to the 5 that *Judith Hales* said received of the Bedford Charity, and were not entred in the Book, they called Mr. Oviar, who said, that *Ironmonger* was not then in Town. That *Harris* had not received for 8 Years, and was a substantial Man in 1697. That *John Read* never receiv'd, and that *Layton* never received nor asked.

Thomas Williams said, that the Names of the Persons who receiv'd the Charity were always set down in Writing.

Also Sir *Tho. Lee* and Mr. *Mayne's* Council further insisted, that there was in *Ailesbury* other Annual Charity left to that Town, and disposed of by the Churchwardens. And

Mr. *Mead* and Mr. *Braddon* testified, that *John Higgins, Fra. Carter, Edw. Edwards, Zach. Whitmill, Ch. Haywood, W. Clark, and Gabriel White* had received of that Charity, and voted for Mr. *Herbert* and Mr. *Dormer*.

That as to the Bribery they called

John Beal, who said, that it being told *Wilkins* that it was reported he was hired, he lifted up his Hands, and denied he ever said any such thing. And

Josiah Roll and *Tho. Brazier* said, that *Wilkins* came into his Master's House, and said he never had one Penny or Penny's-worth to vote for Mr. *Mayne* and Sir *Tho. Lee*, and said, they were Whores and Rogues that said so. That *Wilkins* took God to witness he had no Money to vote for Sir *Tho. Lee* and Mr. *Mayne*, from Man, Woman, or Child; but said he could have had Money to pay his Rent to be for Mr. *Herbert* and Mr. *Dormer*.

John Hawkes and *Mary Dover* said, that *Wilkins* had denied several times that he had any Money to be for Sir *Tho. Lee* and Mr. *Mayne*; and *Elizabeth Hawkes* said, that *Wilkins* said, that he wish'd the Devil might fetch him if he told Esquire *Dormer* or the Lord *Norris* he was Bribed, and said he was obliged to give Sir *Tho. Lee* and Mr. *Mayne* a Vote.

Mary Saunders said, that she liv'd in the House where *Wilkins* pretended to have Drink at the time of the Election, and that *Wilkins* had not any such Drink there.

And that upon the whole matter the Committee came to these Resolutions as their Opinion, viz.

" 1. That all Persons receiving Alms within the Burrough of *Ailesbury*, pursuant to the Will of Mr. *Bedford*, are in respect thereof disabled to vote in the Election of Burgesses to serve in Parliament for the said Burrough.

" 2. That *James Herbert Esq;* is duly Elected a Burgess to serve in this present Parliament for the Burrough of *Ailesbury*.

" 3. That Sir *Thomas Lee* Baronet is not duly Elected a Burgess to serve in this present Parliament for the Burrough of *Ailesbury*.

" 4. That *Robert Dormer Esq;* is duly Elected a Burgess to serve in this present Parliament for the Burrough of *Ailesbury*.

The first Resolution being read a second time, an Amendment was proposed to be made therein by Inserting after (*Bedford*) these Words (or any other Persons receiving any other Charity annually distributed in the same Town) and the same was upon the Question put thereupon agreed unto by the House.

Resolved, That the House doth agree with the Committee in the said Resolution so amended, That all Persons receiving Alms within the Burrough of *Ailesbury*, pursuant to the Will of Mr. *Bedford*, or any other Persons receiving any other Charity annually distributed in the same Town, are in respect thereof disabled to vote in the Election of Burgesses to serve in Parliament for the said Burrough.

The second Resolution being read a second time, the House Resolved to agree with the Committee therein, viz. That *James Herbert Esq;* is duly Elected, &c.

But

The third Resolution being read a second time, and the Question put, That the House doth agree with the Committee in the said Resolution, That Sir *Tho. Lee* Bar. is not duly Elected, &c. the House divided. The No's go forth. Sir *Godfry Copley* and Mr. *Hammond* for the Yea's, 166. Mr. *Ogle* and Mr. *Lee* for the No's, 139. So resolved in the affirmative.

The fourth Resolution being read a second time, and the Question put, That the House agree with the Committee in the said Resolution, That *Robert Dormer* Esq; is duly Elected, &c. the House divided. The No's go forth. Mr. *Paget* and Mr. *Tredenham* for the Yea's, 146. Lord *William Pawlet* and Mr. *Spencer* for the No's, 152. So it passed in the Negative.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the Electing a Burgess to serve in this present Parliament for the said Burrough of *Ailesbury*, in the room of Sir *Tho. Lee* Baronet, who is adjudged not to be duly Elected.

Die Mercurii 8 Februarii 1698. Ordered, That the Clerk of the Crown do attend this House to morrow Morning to amend the Return for the said Burrough of *Ailesbury*. And accordingly,

Die Jovis 10 Februarii 1698. The Clerk of the Crown attended and was called in, and amended the said Return by striking the Name of Sir *Tho. Lee* Baronet out of the said Return.

Die Luna 6 Martii 1698. A Petition of Sir *Tho. Lee* Baronet, setting forth, That at an Election (upon the 22d of February last) for a Member to serve in this present Parliament for the Burrough of *Ailesbury*, the Petitioner was duly chosen by the Majority of legal Voters; but the Constable (arbitrarily refusing to Poll such Persons as had a Right, and would have been for the Petitioner, and admitting others to vote for *Rob. Dormer* Esq; who had no Right, and by other undue Practices) hath Returned Mr. *Dormer* in prejudice to the Petitioner: And praying the Relief and Justice of the House therein: Was Read and Referred. *But nothing further done thereon this Parliament.* 1698.

Burgus de St. Albans in Com' HERTFORD.

By Mr. Pryn's 4th Part of Parliament Writs, pag. 900. it appears, that this Burrough sent Members to Parliament in 28 E. 1. 35 E. 1. 1 E. 2. 2 E. 2. & 5 E. 2.

And in the 8 of E. 2. the Burgesses of St. Albans, in their Petition to the King, say, Rot. Parl.
8 E. 2. No.
233. m. 25.

Quod ipsi, sicut ceteri Burgenses Regni ad Parliamentum, per duos Comburchen-
ses suos venire debeant, prout totis retroactis temporibus venire consueverunt, tam
tempore Domini Edwardi nuper Regis Angliæ (i.e. of Ed. I. the King's Father) &
Progenitorum suorum, as in the time of E. 2. & semper ante instans Parliamen-
tum. And Declaring, That the Names of all such Burgesses coming to Parliament
were always inrolled in the Rolls of Chancery. Notwithstanding all which the Sher-
riff of Hartford, at the Procuration of the Abbot of St. Albans, and his Council,
refused Burgenses prædictos præmunire, seu nomina eorum retornare, prout ad
ipsum pertinuit. And therefore they pray Remedy.

The Answer to this Petition is, Scrutentur Rotuli, &c. de Cancellaria; si tempori-
bus Progenitorum Regis Burgenses prædicti solebant venire, vel non? Et tunc
fiat eis super hoc Justitia vocatis evocandis, si necesse fuerit.

And Mr. Selden, in his Titles of Honour, fol. 604, 605. shews, That the Rolls of
Summons to Parliament were extant this very Parliament. Rot. Claus. E. 2. m. 25.

And from hence it may be concluded, that this Burrough of St. Albans, as also divers
others, did send Membors to Parliament in the time of E. 1. and of his Progenitors,
by constant Usage or Prescription; and therefore long before the 9 H. 3. to which
time some would confine the Commons to be any part of the Parliament of England.

Some indeed do extend the time of the Commons being a part of the Parliament to the
Parliament of Running-Mead, 17 R. Joh. But Mr. Petyt, in his Discourse of the
Antient Rights of the Commons of England, has shewn them to be a part of the
Parliament of England before that time.

This I thought fit to observe here, because I find nothing relating to this Burrough ei-
ther in the Journals of the House of Commons, or in the printed Votes, from the
Year 1688, to the Year 1700.

Burgus de St. Albans.

D*IE Jovis 13 Februarii 1700.* A Petition of *John Gape Esq;* complaining of an undue Election and Return of *Joshua Lomax Esq;* to be a Burgess for the said Burrough, was Read, and Referr'd to the Committee of Privileges and Elections.

1700. *Die Jovis 27 Feb. 1700.* Ordered, That the Grants of such Charities as belong to the said Burrough of *St. Albans*, and the several Books and Writings concerning the Distribution of the same, and also the several Books relating to the Freemen within the said Burrough, be forthwith left by such Persons as have the same with the Clerk of the Committee of Privileges and Elections, to be inspected by the Parties concern'd, or their Agents, who may take Copies thereof as they shall think fit.

Die Sabbati 8 Martii. Ordered, That the Report from the Committee touching the said Election be made upon Monday Morning next at 11 a Clock.

Report. *Die Luna 10 Martii 1700.* Sir *Rowland Gwyn* Reported from the said Committee the matter as it appeared to them touching the said Election, and their Resolutions thereupon, which were agreed unto by the House, *viz.*

" 1. That the Right of Electing Burgesses to serve in Parliament for the said Burrough is in the Mayor, Aldermen, and Freemen, and such Householdors as pay Scot and Lot.

" 2. That *Joshua Lomax Esq;* is not duly Elect'd a Burgess to serve for the said Burrough.

3. " That *John Gape Esq;* is not duly Elect'd a Burgess to serve for the said Burrough. And

Declared, " That the said Election is a void Election. And

Ordered, That Mr. Speaker do issue his Warrant for a New Writ to Elect another Burgess in the room of *Joshua Lomax*, whose Election is declared to be void.

Burgus de Aldborough in Com' SUFFOLK.

1689. **D***IE Luna 24 Martii 1689.* A Petition of Sir *Edward Turner* Knight; setting forth, That on the 21st of February last the Petitioner, Sir *Henry Johnson* Knt. and *William Johnson Esq;* stood Candidates to be Elect'd for the said Burrough, where the Petitioner had much the greater number of Persons, who had Right to give their Votes, than were polled for the said *William Johnson*, and therefore ought to have been Returned with the said Sir *Henry Johnson*; but the Bailiff of the said Burrough, in prejudice to the Petitioner, hath Return'd the said Sir *Henry* and *William Johnson*: And praying the Consideration of the House, &c. Read and Referred. Also

A Petition of the Freemen and Inhabitants of the said Burrough; setting forth, That the Petitioners on the 21st of February last met, in order to make an Election of Burgesses for the said Burrough, and a Poll being demanded, there appeared to be 26 of the said Freemen and Inhabitants for the said Sir *Edward Turner*, as appears by the Poll, and but 14 only who have Right of Electing for Mr. *William Johnson*: And thereupon Sir *Henry* and Mr. *Johnson* brought in out of the Country several Gentlemen, Farmers, and others, to the number of 25, not inhabiting within the said Burrough, or paying Scot or Lot, nor bearing any Charge of the Corporation, being lately made Free contrary to the Usage and Custom of the Burrough, by the Procurement of one Alderman *Bence*, purposely to assist him in that Election; by which means the Petitioners Rights of Election are destroyed, and they debarr'd of their Freedoms therein: And praying that the said Sir *Edward Turner*, who was duly Elect'd, may be admitted to sit in Parliament: Was likewise Read and Referred.

1690. *Die Luna 6 Octobris 1690*, being the second Session of that Parliament, Sir *Edward Turner* renews his Petition, *viz.* That he was duly Elect'd for *Aldborough* in the County of *Suffolk* by the Majority of legal Votes, and ought to have been Return'd with Sir *Henry Johnson*; but the Bailiff hath made a Return of *William Johnson Esq;* with the said Sir *Henry* in injury to the Petitioner, &c. Read and Referred.

1691. *Die Jovis 22 Octobris 1691.* Sir *Edward Turner* again petitions the House; setting forth, That on the 21st of February last was twelve Months he was duly elect'd for the said Burrough; but the Bailiff hath Return'd *William Johnson Esq;* in prejudice to the Petitioner, &c. Read and Referred.

Die

Die Mercurii 4 Novembris 1691. A Petition of divers of the Inhabitants of *Aldborough* in the County of *Suffolk*, touching the Election there, was presented to the House. But in regard the Petitioners did not present their Petition the last Session, the said Petition was not received.

Die Veneris 27 Novembris 1691. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the said Burrough, be made upon *Tuesday* Morning next, after the Report touching the Election for *Chippenham*.

But then it was deferred to *Tuesday* the 1st of *December*.

Die Martis 1 Decembris 1691. Mr. Serjeant *Trenchard* Reported from the Committee of Privileges and Elections, the Case of the Election of the said Burrough, referred to the Committee upon the Petition of Sir *Edw. Turner* Knight, against the Return of *William Johnson* Esq; as follows, viz. Report.

That the Question was, Whether the Right of Election was in the Freemen resident within the Burrough only, or in the Freemen at large. For it was agreed,

That if it the Right was in the Freemen resident, then the Petitioner was Elected: If in the Freemen at large, then the Sitting Member.

And for the Petitioner it was insisted,

That *Aldborough* was a Burrough by Prescription, and was first Incorporated by 1 *Ed. 6.* and produced a Charter of *Ed. 6.* and a Paper subscribed by 11 of those Non-resident Freemen, whereby they acknowledged not to have the Advantage of the *Marshes Kay* or Causeway belonging to the said Town.

For the Sitting Member it was insisted,

That *Aldborough* was a Corporation by Prescription; and that *Thomas Wall*, who was produced as a Witness by the Petitioner, testified, that Non-resident Freemen had voted in other Elections. Whereupon the Committee came to the following Resolution, viz.

"That *William Johnson* Esq; is duly Elected a Burgess to serve in this present Parliament for the said Burrough of *Aldborough*.

And the Question being put, That the House do agree with the Committee in the said Resolution. It was Resolved in the Affirmative.

Die Jovis 7 Martii 1699. Mr. Speaker acquainted the House with a Letter from *William Johnson* Esq; touching his Election, whether he will serve for the Burrough of *Aldborough*, or Burrough of *Orford* in the County of *Suffolk*.

Ordered, That the said Letter be laid before the House upon *Tuesday* Morning next. and accordingly,

Die Martis 12 Martii 1699. Mr. Speaker laid before the House the Letter of *William Johnson* Esq; which had been delivered to him, touching the said Mr. *Johnson's* Election, Whether he would serve for the Burrough of *Aldborough*, or *Orford* in the County of *Suffolk*. And the said Letter was Read.

Ordered, That it be referred to a Committee to inspect Precedents, where Members chosen for several places, and being absent, have by Letters or Messages made their Elections, for which of the said places they will serve; and Report the same to the House.

And a Committee was accordingly appointed.

Burgus de Aldborough in Com' YORK.

DIE Mercurii 19 Martii 1678. A Petition of Sir *Godfrey Copley* Baronet, Com- 1678;
plaining of an undue Practice used by the Sheriff the said County, in Returning Sir *John Reresby* Baronet as a Burgess for this Burrough, in Injury of the Petitioner, who was duly Elected, and ought to have been Returned.—Referred to the Committee.

Jovis 15 Maii 1679. Sir *Thomas Meers* Reports from the Committee of Elections and Privileges the Matter touching the said Election; That it appeared to the Committee, that Sir *John Reresby* had about 19 of the Inhabitants paying Scot and Lot, and that Sir *Godfrey Copley* had about 24 of the Inhabitants paying Scot and Lot; and that thereupon the Committee had agreed upon the following Resolves as their Opinion. Report.

1. "That

Burgus de Aldborough in Com' York.

1. "That all the Inhabitants of the Burrough of *Aldborough* in the County of *York*, paying Scot and Lot, have only Right to Vote in Electing Members of Parliament for the said Burrough.

2. "That Sir *John Reresby* is not duly Elected to serve in this present Parliament for the said Burrough.

3. "That Sir *Godfrey Copley* is duly Elected to serve, &c.

To each of which Resolves the House agreed, and ordered the Clerk of the Crown to attend on the Morrow-morning to take off the Indenture of Sir *John Reresby*, and affix the Indenture of Sir *Godfrey Copley* to the Return for the said Burrough.

Veneris 16 Maii 1679. The Clerk of the Crown attending was called in, and amended the Return accordingly.

1690. Note, *Die Sabbati 10 Maii 1690.* Ordered, That the Reports from the Committee of Privileges and Elections for the City of *York*, and for the Burrough of *Aldborough* and *Knaresborough* in the County of *York*, be made upon *Thursday* Morning next. *Vide Civit. York.* And *Quare*, If not usual to make Reports of double Elections without grounding the same on any Petition precedent: For there is no mention of any such Petition for *York* City or this Burrough, either in the Votes or Journal.

Die Sabbati 17 Maii 1690. Mr. *Gray* Reported (*int. al.*) the Case touching the Double Return and Election of a Burgess for the said Burrough as follows, *viz.*

That the main Question was, Whether the Right of Election of Members to serve in Parliament for the said Burrough was in a select Number of Burgesses, holding by Burgage-Tenure, or in the Inhabitants paying Scot and Lot. And agreed,

That if the Right was in a select Number, *Henry Boyle* and *John Vandenbendie* were duly Elected; but if in the Inhabitants paying Scot and Lot, then *Michael Wentworth* and *Christopher Tankred*, Esquires.

That for *Henry Boyle* and *John Vandenbendie* they produced several Indentures of Return, *viz.*

14 *Eliz.* by a Select Number, but the Record was tore.

1 *Jacobi*, by 7 Burgesses and Burrough-Men.

21 *Jacobi*, by 7 Burgesses and Burrough-Men.

3 *Car.* Idem. &c

15 *Car.* Idem.

13 *Car.* 2. per 9 *Burgenses majorem partem Burgensium qui Electione ill. interfuerint.*

25 *Car.* 2. per 16. & mult. alios *Burgenses*, and *Jon Benson* Esq; was Elected.

per 6. & diversos alios *Burgenses*, and *John Reresby* was Elected.

That these last were a Double Return, and 'twas Resolved by the House for Mr. *Benson*; and produced *Michael Hardcastle*, *James Hickman*, and *Richard Lumley*, who said, That the Right of Election was in the Burrough-Men, who were commonly about 9; and *Michael Hardcastle* said, that the 9 Burrough-holders voted for Mr. *Boyle* and Mr. *Vandenbendie*.

For Mr. *Wentworth* and Mr. *Tankred* the Council insisted,

That the Right of Election was in the Inhabitants; and that tho' only some few might join in the Return, which was an uncertain Number, yet others might be concern'd in the Election; and produced these several Indentures, *viz.*

1 *Car.* By 11 Burgesses and Burrough-Men.

Another in the same Year, by the same.

13 *Car.* 2. per 9. *Burgenses existen. majorem partem Burgensium qui Electionem illic interfuerint.*

30 *Car.* 2. per 20. & mult. alios *existen' majorem partem Burgensf. &c.*

31 *Car.* 2. per 58. & al' *Burgensf. existen' majorem partem Burgensf. presentium.*

And the Resolution of the House, *An. 1679.* That the Right of Election was in the Inhabitants paying Scot and Lot.

Also a Return of 33 *Car.* 2. per 41. & al' *Burgenses existen' majorem partem presentium.*

And another 1 *Jacobi* 2. per 63. & al' *Burgenses ejusdem Burgi existen' majorem partem Burgensium presentium.*

That it was said, that 3 of the 9 that claimed to be Burrough-holders received Alms, and the others were very poor.

That as to the Merits of the Return, it was not much insisted on, only said, that 7 of the 9 Burrough-men had joined in the Choice of the Bailiff that Returned Mr. *Wentworth* and Mr. *Tankred*.

And that upon the whole matter the Committee came to these Resolutions, *viz.*

1. "Resolved, That the Right of Electing Burgesses to serve in Parliament for the said Burrough is not in the Select Number of Burgesses holding by Burgage-Tenure.

Note on the Question, That the House do agree with the Committee in this Resolution. The House divided; Yea's 135. No's 111. So it pass in the Affirmative.

2. "Resolved, That all the Inhabitants of the said Burrough of *Aldborough* paying "Scot and Lot, have Right to vote in Electing of Members of Parliament for the said Burrough.

Note on the Question, For the House to agree with the Committee in this Resolution. The House likewise divided; Yea's 153. No's 124.

3. "Resolved, That Sir *Michael Wentworth* and *Christopher Tankred* Esq; are duly "Returned and Elected Burgesses for the said Burrough of *Aldborough*.

To which the House agreed without a Division; and ordered, That the Clerk of the Crown do attend on *Monday* Morning with the said Return, in order to amend the same.

Die Luna 19 *Maii* 1690. The Clerk of the Crown attending, according to the said Order, amended the said Return according to the Resolution of the House.

Die Martis 20 *Octobris* 1696. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgess to serve in this present Parliament for the said Burrough of *Aldborough* in the County of *York*, in the room of Sir *Michael Wentworth* Knight, deceased.

Die veneris 27 *Novembris* 1696. A Petition of many of the Inhabitants of the said Burrough of *Aldborough*, in the West-Riding of the County of *York*, Complaining of an undue Election and Return of *Henry Fairfax* Esq; as a Member to serve in this present Parliament for the said Burrough, in prejudice of the Petitioner's Right; and praying Relief in the Premises, and that the Matter of the said Election be heard at the Bar of this House. 1696.

Ordered, That the Merits of the said Election (upon the said Petition) be heard at the Bar of this House upon *Monday* the 21st of *December* next. Also,

A Petition of *Arthur Kaye* Esq; setting forth, That *Henry Fairfax* hath unduly, by Corruption and Bribery, and other ill Practices, procured himself to be Returned to serve in Parliament for the said Burrough, tho' the Petitioner was duly Elected, and praying Relief.

Ordered, That the Merits of the said Election be heard at the Bar of this House at the same time. And accordingly,

Die Luna 21 *Decembris* 1696. The House proceeded to hear the Merits of the said Election, and the Council and Witnesses on both sides were called in, and then withdrew.

"Resolved, *nemine contradicente*, That *Henry Fairfax* Esq; having contrary to the late Act of Parliament, for the better preventing Disorders and Abuses in Elections to Parliament, expended Money in order to his Election to serve in this present Parliament for the said Burrough since the Vacancy thereof by the Death of Sir *Michael Wentworth*, is disabled and incapacitated upon the said Election to serve as a Burgess for the said Burrough.

Then the Question being put, That *Arthur Kaye* Esq; is duly Elected a Burgess to serve in this present Parliament for the said Burrough of *Aldborough* in the County of *York*. It passed in the Negative.

Resolved, That the said Election is a void Election.

Ordered, That Candles be brought in. And then

Ordered, That no Motion be made for a Warrant for a new Writ for the said Burrough of *Aldborough* until after 12 a Clock in a full House.

Die Mercurii 13 *Januarii* 1696. A Motion being made, that Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgess to serve in this present Parliament for the said Burrough of *Aldborough* in the County of *York*, in the room of Sir *Michael Wentworth* Baronet, deceased. And a Debate arising thereupon:

Ordered, That the said Debate be adjourned until *Tuesday* Morning next.

Die Martis 19 *Januarii* 1696. Ordered, That the Debate upon the Motion made on *Wednesday* last, That Mr. Speaker do issue his Warrant, &c. be further adjourn'd till *Saturday* Morning next.

Die Sabbati 23 *Januarii* 1696. Ordered, That the adjourned Debate upon the Motion made for a Warrant to be issued for a new Writ for Electing a Burgess to serve for the said Burrough be further adjourned until *Wednesday* Morning next.

Die Mercurii 27 Januarii 1696. The Order for the adjourn'd Debate upon the Motion made for a Warrant for a new Writ for Electing a Burgess, &c. (*ut supra*) being Read.

And a Motion being made, and the Question being put, That the said Debate be adjourn'd till to Morrow-morning. It pass'd in the Negative.

Then the Debate was resumed; and a Motion being made, and the Question being put, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make a new Writ, *ut supra*.

The House divided. The Yea's go forth,

Sir William Strickland

Mr. Ogle

} Yea's 101.

Mr. Bromley

Mr. Moore

} No's 142.

So it pass'd in the Negative. And

"Resolved, That during this Session of Parliament no Warrant for a new Writ do issue for the Electing a Burgess to serve in this present Parliament for the said Burrough of Aldborough, in the room of Sir Michael Wentworth Bar. deceased.

Note, This was done to let the Nation see the great Severity and Strictness the House would always observe as to that Act.

1697. *Die Veneris 3 Decembris 1697.* A Motion being made, and the Question put, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgess to serve in this present Parliament for the Burrough of Aldborough in the County of York, in the room of Sir Michael Wentworth Baronet, deceased.

Ordered, That the further Consideration of the said Motion be adjourn'd until this Day fortnight.

Die Veneris 17 Decembris 1697. The House (according to the Order of the Day) resumed the Consideration of the Motion made the 3d Instant, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the Electing a Burgess to serve in this present Parliament for the Burrough of Aldborough in the County of York, in the room of Sir Michael Wentworth deceased.

Ordered, That the Consideration of the said Motion be further adjourn'd till this Day fortnight.

Die Jovis 30 Decembris 1697. A Petition of the Electors of the Antient Burrough of Aldborough in the County of York was presented to the House, and Read; shewing, that they lying under the Misfortune of being unadvisedly misled to transgress the late Act of Parliament, made for the better preventing Disorders and Abuses in Elections, and to their great Grievs incurring the Displeasure of this Honourable House, of which they are so deeply sensible, that they resolve never to suffer any Irregularity in any future Elections for their Burrough, but strictly and faithfully to observe so good and beneficial a Law; and praying to be received into the Favour of this House, by being allowed to go to an Election to fill up the present Want of a Member in their Burrough.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Burgess to serve in this present Parliament, in the room of Sir Michael Wentworth Knight, deceased.

1698. *Die Lune 12 Decembris 1698.* A Petition of Cyril Arthington Esq; setting forth, That the Petitioner and Sir Abstrupus Danby stood Candidates to serve as Burgesses for the said Burrough, and the Petitioner was legally chosen to serve for the same; But Sir Abstrupus Danby did, by divers illegal Practices, contrary to an Act of Parliament to prevent Charges and Expences in Elections, procure several Votes for himself; and praying a short Day for hearing the Merits of the said Election. Also

A Petition of Christopher Tankred Esq; setting forth, That at the last Election of Burgesses to serve in this present Parliament for the said Burrough, the Petitioner did offer himself to be one of their Burgesses, and verily believes he should have been chosen, had it not been for most notorious Bribery, and repeated Menaces, before and since the said Election, which the Petitioner doubts not to make out by unquestionable Testimony; and praying the Justice of the House, and Relief in the Premises.

Both which Petitions were Read, and Referred to the Committee of Privileges and Elections.

1699. *Die Jovis 16 Novembris 1699.* The said Christopher Tankred Esq; renews his Petition, to the like intent, *ut supra*; Which was also Read and Referred. Also

Die Jovis 30 Novembris 1699. The said Sir Cyril Arthington likewise renews his Petition, complaining of an undue Election and Return for the said Burrough, which was also Read and Referred.

Die Martis 16 Januarii 1699. Ordered, That the said Mr. Arthington have leave to withdraw his Petition touching the Election for the said Burrough of Aldborough in the County of York.

Die Sabbati 17 Februarii 1699. Ordered, That the Reports from the Committee of Privileges and Elections, touching the Election for the Burrough of Aldborough in the County of York, and touching the Election for the Burrough of Corfe-Castle in the County of Dorset, be made upon Thursday Morning next. But,

Die Mercurii 21 Februarii. The said Reports were ordered to be made upon the Friday sevensnight following. And

Die Veneris 1 Martii. They were again deferred and ordered to be made to morrow Morning. And accordingly,

Die Sabbati 2 Martii 1699. Sir Rowland Gwyn Reported from the Committee the Matter of the said Election, as it appeared to them, and the Resolution of the Committee thereupon, viz.

Resolved, "That Sir Abstrupus Danby Knight is duly Elected a Burgess to serve in this present Parliament for the said Burrough of Aldborough in the County of York.

Which Resolution was agreed unto by the House.

Burgus de Andover in Com' SOUTHAMPTON.

The Charter granted by King John to the Men of this Town in the 6th Year of his Reign, runs thus: Sciatis Nos concessisse hominibus de Andever, quod habeant Gildam Mercatoriam in Andever, & quod sint quieti de Theloneo, & Passagio, & Consuetudine per totam Terram nostram, sicut Burgenses Wintonia, qui sunt de Gilda Mercatorum, sunt quieti; Et super hoc nullus eos injuste disturbet pro Consuetudine super 10 l. forisfactura, sicut Cartæ Henrici Patris nostri & Ricardi Fratris nostri, quas inde habent, rationabiliter Testantur. Hiis Testibus: R. Comite Cestrie, Warino filio Geroldi, W. de Braosa, Petro filio Herberti, Henrico Bisset, Hugh de Lascey, Petro de Stoke. Data per manum J. de Well, apud Radinge, primo die Maii, anno Regni nostri sexto.

Charta
6 Johan.
Nº. 15.

D*IE Veneris 28 Martii 1678.* A Petition of John Pollen Esq; setting forth, That he was duly Elected to serve in this Parliament with Francis Pawlet Esq; for the Burrough of Andover; but by several illegal and undue Practices W. Withers Esq; procured himself to be Return'd as Burgess for the said Burrough, was Read and Referred. But nothing more done thereon this Parliament. 1678.

Die Jovis 13 Februarii 1700. The House being informed, that * Samuel Sheppard Esq; a Member of this House, had been guilty of Bribery at several Corporations, in order to procure Members to be Elected into this Parliament. To which Mr. Sheppard being heard in his Place, and insisting upon his Innocency,

* Note he
was a Mem-
ber for New-
port in the
County of
Southamp-
ton.

Resolved, That the Matter of the said Charge be heard at the Bar of this House.

Ordered, That the Names of the Places where Mr. Sheppard is charged to be guilty of Bribery be delivered to him in Writing.

Ordered, That the said Matter be heard at the Bar of this House upon Tuesday next come three Weeks.

And note, the same Day before this Debate the House came to these Resolves, &c. viz.

" 1. That it be an Instruction to the Committee of Privileges and Elections to hear but two Council of a side in any Case before them.

" 2. That no Member have any Privilege in any Case where he is only a Trustee.

" 3. *Nemine contradicente,* That no Peer of the Realm hath any Right to give his Vote in the Election of any Member to serve in Parliament.

" 4. *Declared a Standing Order,* That no Member have any Privilege, except for his Person only, against any Commoner, in any Suit or Proceedings in Courts of Law or Equity, for any longer time than the House shall be actually sitting for the Dispatch of Business in Parliament.

" 5. *Nemine*

" 5. *Nemine contradicente*, That where the House shall adjudge any Petitions touching Elections to be frivolous or vexatious, the House will order Satisfaction to be made to the Person petition'd against.

" 6. *Nemine contradicente*, That in case it shall appear any Person hath procured himself to be Elected or Return'd as a Member of this House, or endeavour'd so to be by Bribery or any other corrupt Practices, this House will proceed with the utmost Severity against such Persons.

Die Lune 3 Martii 1700. Ordered, That Mr. Sheppard be heard by his Council upon the Charge against him upon the 11th of March instant; and that Mr. Edward Allen Scrivenet and Mr. Glover do also then attend when the said Charge is read. But

Die Lune 10 Martii 1700. Ordered, That the Hearing at the Bar to morrow touching the said Charge be adjourn'd till Friday Morning next, and that all Persons summon'd to attend to morrow do attend on Friday Morning next.

And several Orders for Mr. Guy of Grays-Inn, Mr. Sambrooke the Mayor of Andover, and Mr. Tho. Allen Clerk of the Inholder's Company to attend at the same time. *Vide 12 & 13 Martii 1700. in Bamber.* And see further in *Woottonbasset, Hamlsbury and Newport in Com. Southampton.*

Die Lune 17 Martii 1700. The House proceeded in further hearing of the Charge against Samuel Sheppard sen. Esq; and the Council for making good the Charge against him, and the Council for him, were called in and heard, and divers Witnesses examined both against him and for him, touching the Election for the said Burrough of Andover. And

And Mr. Sheppard was heard in his Place, and then he withdrew.

Resolved, " That the Electors of the Burrough of Andover have endeavour'd corruptly to set to sale the Election of a Burgess to serve in this Parliament for the said Burrough.

Resolved, " That the Lending of Money upon any Security to a Corporation which sends Members to Parliament, and remitting the Interest of the same, with intent to influence the Election of such Corporation, is an unlawful and dangerous Practice.

Resolved, That the further Consideration of the matter of the Charge against Samuel Sheppard sen. Esq; be adjourn'd until to morrow Morning.

Ordered, That the said Mr. Sheppard do then attend in his Place: And that all such Persons as were ordered or summoned to attend this Day, and have not been examin'd and heard, do attend again to morrow Morning. And

Die Martis 18 Martii 1700. The Order of the Day for the House to consider further of the matter of the Charge against Samuel Sheppard sen. Esq; being read.

Ordered, That Julius Samborne, Bailiff of the said Burrough, having been concerned in corruptly Exposing to Sale the Election of a Burgess for the said Burrough, be taken into Custody of the Serjeant at Arms. And the like Orders for taking into Custody Mr. Wimbleton and Mr. Wareham for the same Crime.

Ordered, That Francis Sheppard Esq; do attend in his Place to morrow Morning, and be heard touching the matter charged upon him in relation to the Election of the said Burrough of Andover. *Vide Newport in the County of Southampton, &c.*

Ordered, That Samuel Sheppard sen. Esq; be committed Prisoner to his Majesties Tower of London, and that Mr. Speaker do issue out his Warrants accordingly.

Resolved, That this House will upon this Day sevensnight take into Consideration how they will further proceed with relation to the Crimes whereof Samuel Sheppard sen. Esq; stands convicted before this House.

Die Mercurii 19 Martii 1700. The Order for Francis Sheppard Esq; to attend in his Place and be heard touching the Matters charg'd upon him in relation to the Election for the Burrough of Andover, being Read, and Mr. Sheppard attending accordingly in his Place, he express'd himself to the effect following, *viz.*

That if he had done any thing whereby to fall under the Displeasure of the House, he was sorry for it, and desired a favourable Construction. That it does not any way appear by the Evidence, that he is any way guilty of Bribery to corrupt the Electors, or any other Person. That he did not think of standing till it was offered him: And he hoped the House would not think him guilty of Bribery, and submitted himself intirely to the House. And then withdrew.

Ordered, That Francis Sheppard Esq; be discharged from being a Member of this House.

Resolved, That Sir Edward Seymour Baronet hath made good his general Charge against Samuel Sheppard sen. Esq; of Bribery and Corruption in several Burroughs, &c.

Resolved, nemine contradicente, That the Thanks of the House be given to Sir Edward Seymour Baronet, a Member of this House, for the great Service he hath done the Publick in detecting the Bribery and Corruption which hath been practised in the Elections of several Members to serve in this present Parliament.

And Mr. Speaker gave him the Thanks of the House accordingly.

See *Die Mercurii* 16 Aprilis 1701. Mr. Samuel Sheppard sen. Expell'd the House, and yet remanded back to the Tower.

Burgus de Apulby in Com' WESTMERLAND.

DIE Veneris 30 Novembris 1694. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for Electing a Burges to serve in this present Parliament for the said Burrough in the room of Charles Boyle Esq, now Lord Clifford, called up to the House of Peers. 1694.

Die Mercurii 11 Novembris 1696. Sir William Twisden Baronet being return'd a Burges to serve in this present Parliament for the said Burrough of Apulby, and also a Baron for the Port of Romney in the County of Kent, made his Election to serve for the said Burrough of Apulby. 1696.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for a new Writ for Electing a Baron for the said Port of Romney in the County of Kent, in the room of Sir William Twisden Baronet, who hath made his Election to serve for the said Burrough of Apulby.

Die Jovis 9 Decembris 1697. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for Electing a Burges for the said Burrough of Apulby in the County of Westmorland in the Room of Sir William Twisden Baronet decess'd. 1697.

Die Veneris 14 Februarii 1700. A Petition of Sir John Walter Baronet was presented and Read, complaining of an undue Return for the said Burrough : And Referred to the Committee. 1700.

Burgus de Arundel in Com' SUSSEX.

DIE Lune 1. die Januarii 1693. being the 5th Session of the Six Years Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for Electing a Burges to serve in this present Parliament for the said Burrough in the Room of William Morley Esq, deceased. 1693.

Die Mercurii 31 Januarii 1693. A Petition of John Cooke Esq, setting forth, That on the 20th instant he was duly chosen a Burges to serve in this present Parliament for the said Burrough of Arundel, in the room of William Morley Esq, deceased ; yet the Mayor of the said Town, who hath committed divers Irregularities in the said Election, hath Returned the Lord Walden as duly Elect'd : And praying Relief in the Premises as the House shall think meet : Read, and Referred to the Committee as usual.

Die Jovis 15 Februarii 1693. Ordered, That the Report from the said Committee touching the Election for the said Burrough of Arundel, be made upon Monday Morning next. But then nothing was done therein.

Die Lune 19 Februarii 1693. Ordered, That the said Report be made to morrow morning. But then, viz.

Die Martis 20 Februarii. Ordered, That the said Report be made upon Thursday morning next. And accordingly,

Die Jovis 22 Februarii 1693. Mr. Bowyer reported from the said Committee the Matter touching the said Election, as it appeared to them, with their Resolutions thereupon, viz.

Upon the Petition of John Cook Esq, complaining of an undue Return of the Lord Walden to serve for the said Burrough, the Committee had Examined the Merits of that Election.

For the Petitioner it was alledged, That in the Poll the Petitioner and Sitting Member had equal Votes, viz. 76 apiece, and the Mayor having the Casting Voice, gave it

it for the Sitting Member; so that he had but a Majority of one: But in the Poll given in by them the Sitting Member had 78 with the Mayor, and the Petitioner had 77. But the Petitioner excepted against 21; and to make out this it was alledged,

That the Right of Election was in the Housekeepers that paid Scot and Lot, and they were examined by the Poors Book. This was testified by

Thomas Peckham jun. who said he had liv'd in the Town 33 Years, and had known all the Elections of Parliament-men and Mayors in that time; and there was a Poll in *Mr. Garraway's* Election, and this was the manner then, and the Poors Book produced for that purpose.

Anthony Morley testified the same for 41 Years, and that in that time there were 2 Polls in that manner. Also *Dr. Morris* and *Tho. Oliver* testified the same, one for 48 Years, and the other for 34 Years.

Thomas Peckham sen. testified, that *Quakers* had Votes if in the Poors Book. He gave in the Poll, and said it was compar'd with that of the Mayor's, and differed only in the 5 last but one, which were not in the Mayor's Poll, but voted as they are set down.

Tho. Peckham jun. testified, that he had the Poors Book in his Hand when the Poll began, but taking exception to one the Mayor polled that was not in the Book, the Book was taken away, and the Mayor declared he would poll whom he pleas'd, tho' not in that Book.

He likewise testified of 4, viz. *Richard Bishop*, *Tho. Knight*, *John Rose*, and *Richard Stoner*, that they were not in the Poors Book at all, and of two others, *John Carpenter* and *William Gibbs*, that tho' they were in the Poors Book, yet they paid nothing, have a Cypher put to their Names: And of all 6, that they were set down as having received Money, viz. *Rose* 1 s. *Bishop* and *Stoner* 2 s. a-piece, *Knight* 8 s. *Carpenter* 10 s. and *Gibbs* 12 s. 9 d. and that this appeared by the Account concerning the Poor. And that 3 others, viz. *Samuel Kenn*, *Tho. Hills*, and *John Young*, were not in the Poors Book, and the same of *Samuel Booker*, and that this last was a Vagrant, and his Child begged. And that *Edward Masters* was not in the Poors Book, but warned out of the Parish as one likely to be chargeable thereto. And that *Bryan Heywood*, his Grace the Duke of *Norfolk's* Bailiff, was not in the Book; and the same of *George Symonds*, and that he lived in *Hampshire*. That *John Mitchener* was not in the Book, nor *Tho. Lisse* a Dragoon; and the same of *William Christer*, *Henry Special*, and *Nehemiah Pellet*, who lived with his Father. That *Richard Ford* is not in the Book, and is but a Boarder.

John Hefler testified that *Samuel Smith* was not in the Poors Book, so as to be charged, having only a Cypher put to his Name. He also confirmed *Peckham's* Testimony as to 15 of the Persons he testified to, and that he demanded a Copy of the Poors Book according to Order, but could not have it.

William Keteridge testified, that this present Mayor was in the Year before, and that it was unusual to hold two Years, and gave the Reason, because no Court was held at the time when he used to be chosen, viz. on the *Tuesday* after *Michaelmas* Day; but this was before *Mr. Morley* the former Member died.

Humphry Duke testified, that the Dragoons that quartered in *Arundel*, being about 12 in number, were drawn up on the Day of Election, and some Persons demanding the Reason of it of the Office, he answered, it was at the desire of the Duke of *Norfolk*.

Henry Garraway testified, that he believes the Petitioner lost 20 Voices by the Dragoons, and that the Duke's Servants threatned People, if they would not vote for the Sitting Member; and in particular he himself was threatned, and *Mr. Morley*, to cut down an antient Tree that grew by his House, if he voted for the Petitioner: And that *Mr. Morley* voting for the Petitioner, the said Tree after the Election was cut down, and distributed to the Voters for the Sitting Member; and that the said Tree grew in the Waste of the Mannor whereof he believes the Duke to be Lord.

Mr. Bartholomew the Constable testified, that the Dragoons had their Guns loaded with Powder and Ball by order of their Quarter-master, and that he was threatened and knock'd down by one of them the Day after the Election.

James Gould testified their being threatned to have their Rents rais'd, if they would not vote for the Sitting Member.

James Hobbs testified his being threatned by the Mayor to be arrested, if he did not vote for the Sitting Member, and was put out of his Work accordingly after the Election.

John Ockendon testified against the Mayor, that he threatned him and *Thomas Cotton*, that he would blow them up, and turn them out of their Houses, if they did not vote for the Sitting Member.

Lawrence

Lawrence Alcock testified, the taking away of the Poor's Book by *Heywood*, and that the Duke of *Norfolk* was at the Poll.

For the Sitting Member was produced the Authentick Poll, whereby he had the Majority of 5 more than the Petitioner. And

William Taylor testified, that a Message came to the Duke of *Norfolk* while he was dressing himself, as from the Petitioner, to desire that the Dragoons might be drawn out to assist the Constable: But does not know the Messenger. And

Robert Nofmith testified, that being at the Duke's, he heard of such a Message.

George Moore testified, that the Dragoons were peaceable, and did not in the least disturb the Election, but were drawn up at the lower end of the Town; that the Petitioner had above 40 Horse came with him, beside above 100 Foot in Town before, and no Soldiers were by when the Precept was Read.

Joseph Fugar the Mayor testified, that he had known the Town 23 Years, and had been present at all Elections ever since; and that all Inhabitants were admitted to vote that were Housekeepers, and did not receive Alms, tho' not in the Poor's Book; and so it was at all former Elections, at Mr. *Morley's*, and at that when he was chosen Mayor, without regard to the Poor's Book. That *John Carpenter*, and all the rest excepted against by the Petitioner, were good Voters, except *Pellet* who was no Housekeeper. But *Thomas Lisse*, Corporal of the Dragoons, was; and *Heywood*, tho' he lived in the Castle, yet was within the Burrough.

Thomas Humphry testified the Right of Election to be as the Mayor said, and was so practis'd at Mr. *Garraway's* Election, and at the Election of Mayors three times; that he had known the Town 20 Years, and that this was the fairest Election he ever saw; that the Dragoons were no trouble, and that the Petitioner had 60 Horse in his Company when he came to Town, besides the Foot.

Thomas Pankhurst testified the same, as to the Right of Election, and that he had known the Town 45 Years, and so practised at all Elections, both for Members to serve in Parliament, and Mayors. And the same was likewise testified by *Robert Russel*, that knew the Town 26 Years; *Anthony Wilson*, that knew it 30 Years; and *John Cole*, that knew it 35 Years.

And so did *Robert Collins*, who instanced in the Convention Parliament, that it was so done then. He testified likewise, that the Alms that *Knight* received was only when sick of the Small Pox, and that he received none before nor since. That *Bishop* does not receive Alms constantly, nor *Rose*, nor *Gibbs*; that *Gibbs* did once pawn his Bed, but has not received Charity lately, nor *Stoner*. That *Hill* and *Kenn* were Housekeepers at the time of the Election. And *Fugar* the Mayor testified the same for *Christopher*.

That the Council for the Sitting Member offered to produce more Evidence to prove the Right of Election, as before: But it was said it was enough.

William Gibbs testified for himself, that he never received Alms but once when the Town was visited with the Small Pox; and that he voted at Mr. *Morley's* Election, tho' not in the Poor's Book.

Then Exceptions were taken to 6 that voted for the Petitioner, as Inmates, and not Housekeepers. And

Moore testified against *Nicholas Richmond*, that he was no Housekeeper, but lived with his Uncle; and that *Nathaniel Dormer* was but a Boarder; that *Joshua* and *John Painter*, the Father and Son, that they lived in one House, and both voted for the Petitioner; and the same for *William Slyder* and *James Easton*. That *William Lewis* is no Inhabitant in *Arundel*, and yet polled for the Petitioner.

Collins testified, that *Adrian Collis* Rents but part of an House, and is not in the Poor's Book, and yet voted for the Petitioner. And

Humfryes testified for all Excepted against, but *Slyder*, that they were no Housekeepers.

Nicholas Rogers testified, that he had 5 *l.* offer'd to be sent him by Capt. *Chele* when he would, if he would vote for the Petitioner. That the Petitioner was in the Room when this was offer'd; and that the Captain is the Petitioner's Friend: But *Rogers* did not accept of it, but voted for the Sitting Member.

George Randal testified, that *James Mills* threaten'd to lay him in *East-Gate* for 4 or 5 *l.* he ow'd him, if he voted not for the Petitioner. And *Duffield* confess'd he had 2 *s.* given him to vote for the Petitioner, but said not by whom.

Thomas Penycot testified, that a Kinsman of his offered him 5 *l.* if he would vote for the Petitioner, and proffer'd his Brother 5 *s.* to be out of Town at the Election, that he might not vote for the Sitting Member.

Thomas

Burgus de Ashburton.

Thomas Fuller testified, that *Bartholomew* proffer'd to restore him his 2 Guns, taken away half a Year before, if he would vote for the Petitioner. And

Gibbs testified, that one *Mr. Butler*, a Manager for the Petitioner, threaten'd to impress him, if he did not vote for the Petitioner.

After this a Witness was called for the Petitioner, viz. *Thomas Wilmer*, who testified, that at *Mr. Butler's* Election, this very Mayor refused a Voter for not being in the Poor's Book.

That after the Council, &c. were withdrawn, *Mr. Butler* the other Member for this Burrough testified, that he had known two Elections for Members of Parliament for this Burrough, viz. his own and another, and that at both those Elections none but those in the Poor's Book voted, and that was the Rule they went by.

And that upon the whole matter, the Committee came to these following Resolutions, as their Opinion, viz.

1. "That the Right of Election of Burgesses to serve in Parliament for the said Burrough of *Arundel* in the County of *Sussex* is only in the Inhabitants of the said Burrough paying Scot and Lot.

2. "That the Lord *Walden* is not duly Elected a Burgess to serve in this present Parliament for the said Burrough.

3. "That *John Cooke Esq.* is duly Elected a Burgess to serve in this present Parliament for the said Burrough.

The first of the said Resolutions being Read a second time, and the Question being put, That the House do agree with the Committee in the said Resolution.

The House divided. The No's go forth:

Tellers for	{ <i>Mr. Clark,</i>	} Yea's 155.	Tellers for	{ <i>Mr. Goldwel,</i>	} No's 106.
the Yea's	{ <i>Mr. Machel,</i>		the No's	{ <i>Mr. Fowndes,</i>	

So Resolved in the Affirmative.

The second of the said Resolutions being Read a second time.

"Resolved, That the House do agree with the Committee in the said Resolution,

"That the Lord *Walden* is not duly Elected, &c.

The third Resolution being Read a second time, and the Question being put, That the House do agree with the Committee in the said Resolution, That *John Cooke Esq.* is duly Elected, &c.

The House divided. The No's go forth:

Tellers for	{ <i>Mr. Boyle,</i>	} Yea's 156.	Tellers for	{ <i>Mr. Shackerly,</i>	} No's 122.
the Yea's	{ <i>Mr. Butler,</i>		the No's	{ <i>Sr Job. Packington,</i>	

So Resolved in the Affirmative.

Ordered, That the Clerk of the Crown do attend this House to Morrow-morning with the said Return, in order to amend the same.

A Motion being made, and the Question being put, That *Joseph Fugar* Mayor of the said Burrough of *Arundel* be sent for in Custody of the Serjeant at Arms attending this House. It passed in the Negative.

Die Sabbati 24 Februarii 1693. The Clerk of the Crown attended according to Order, and amended the Return for the said Burrough of *Arundel*, by rasing out the Name of *Henry Lord Walden*, and inserting the Name of *John Cooke Esq.* instead thereof.

Burgus de Ashburton in Com' DEVON.

Rot. Par.
3 H. 4. pars
2 Mem. 23.

In the 3d of H. 4. a Charter was granted to the Men of the King's Mannor of Ashburton, in the Tenor following, viz. Rex universis & singulis vicecomitibus majoribus Ballivis Constabulariis, Ministris & aliis fidelibus suis, tam infra Libertates quam extra ad quos, &c. salutem. Sciatis quod cum secundum Consuetudinem in Regno nostro Angliæ hætenus obtentam & approbatam homines de antiquo Dominico Coronæ Angliæ quieti sint, & esse debeant a præstatione Theolonei per totum Regnum Angliæ, vobis mandamus; Quod Homines de manerio de *Aisbertone* quod de antiquo Dominico Coronæ Angliæ existit; sicut per quamdam Certificationem per Thesaurarium & Camerarios Domini Richardi, nuper Regis Angliæ secundi post Conquestum in Cancellariam suam de mandato, ipsius nuper Regis missam & in filaciis Cancellariæ ejusdem nuper Regis residentem plene liquit de hujusmodi

modi præstatione Theolonei, vobis præstanda quietos esse permittatis juxta Consuetudinem supradictam, in cujus, &c. Teste Rege apud Westmonasterium vicesimo sexto die Aprilis, Anno Regni, &c. tertio.

Note, *This was then a Town or Mannor in antient Demeasns, and being made a Burrough, sent Members to Parliament in the 26th of Ed. 1. and in the 8th of Hen. 5.*

DIE Veneris 16 Februarii 1676. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for Electing another Member to serve in this Parliament for the said Burrough of *Ashburton*, in the room of Sir *George Sandys* Knight of the *Bath*, called up to the House of Lords. Also,

Eodem Die. Ordered, That Mr. Speaker do issue his Warrant, *ut supra*, for Electing another Member to serve for the said Burrough, in the room of Sir *John Towel* Knight, deceased.

Die Mercurii 19 Martii 1678. A Petition of *Richard Duke* Esq; Complaining of an undue Return of *William Stawell* Esq; as a Burgess for this Burrough, instead of the Petitioner, who was duly Elected, and ought to have been Returned; was Read and Referred to the Committee of Privileges and Elections.

But nothing more done thereon.

Note, *I find no Report of any Election for this Burrough till the Year 1700.*

Villa & Burgus de Banbury in Com' OXON.

In the Chapel of the Rolls is a Charter which Queen Mary granted Inhabitantibus Villæ de Banbury, quod præd. Villæ de cetero sit & erit Liber Burgus corporatus, &c. in perpetuum; De uno Ballivo, 12 Aldermannis ac 12 Burgensibus, per nomen Ballivi Aldermannorum & Burgensium Burgi & Parochiæ de Banbury, &c. ac quod ipsi sint & erunt Corpus corporatum & politicum, & una Comunitas perpetua per nomen Ballivi Aldermannorum & Burgensium, Burgi & Parochiæ de Banbury prædict. Et quod iidem Ballivus Aldermannis & capitalis Burgensis vocabuntur Commune Consilium Burgi prædict. pro omnibus Rebus, &c. And then Grants, Quod sit & erit in dicto Burgo de Banbury, unus Burgensis Parliamenti nostri Hæred. & Successorum nostrorum. Quodque prædict. Ballivus Aldermanni & Burgenses dicti Burgi, &c. habeant Authoritatem eligendi & nominandi unum discretum virum dicti Burgi fore Burgensem Parliamenti, &c.

DIE Lune 31 Martii 1690. A Petition of *Nathanael Wheatly* and others in behalf of themselves, and others the Freemen and Burgesses of the Burrough and Parish of *Banbury*, setting forth, that on the 24th of February last, the Mayor gave notice of the Election, where the Petitioners, to the Number of 110, did give their Votes for *John Hawles* Esq; but the Mayor refused to admit them: Whereupon they demanded a Poll, but was deny'd it; that then they executed an Indenture of Return of the said *John Hawles*, but the Mayor refused to accept it, and made a Return of Sir *Robert Dashwood* under the Common Seal, tho' Elected but by 10 of the Aldermen and Capital Burgesses, to the great Wrong of the Petitioners, &c. and praying that the Indenture return'd by the Mayor may be taken off from the Precept, and the Indenture executed by the Petitioners affixed thereto: Read and Referred. And see the next Session, viz.

Die Jovis 16 Octob. 1690. Another Petition of *Nathanael Wheatley*, and others, Freemen and Burgesses of *Banbury*, setting forth, That at the Election on the 24th of February last, the Petitioners and other Freemen and Inhabitants of the said Burrough of *Banbury*, to the Number of 110. who, as well as the Mayor, Aldermen, and Capital Burgesses, had a Right to Vote, and did vote for *John Hawles* Esq; yet the Mayor refused to admit them: Whereupon they demanded a Poll, which being deny'd, they, to the Number of 40, Executed an Indenture, testifying an Election of the said *John Hawles* Esq; But the Mayor refused to Return it with the Precept, and

Returned Sir Robert Dashwood by Indenture under the Common Seal, who had but 10 of the Aldermen and Burgesses that voted for him, the rest voting for the said Mr. Hawles; and praying, that the one Indenture may be taken from the Precept, and the other affixed thereto: Read and Referred.

1691. *Die Sabbati 31 Octobris 1691.* A Petition of John Austin, and others, Freeman and Burgesses of the Burrough and Parish of Banbury in the County of Oxon, setting forth, That at the Election for Banbury the Petitioners, to the Number of 36, voted for John Hawles Esq; and they demanded a Poll of the Mayor, which he refused; they Executed an Indenture, and demanded him to Return the same, which he refused also; but instead thereof Returned an Indenture executed by him and 11 others, who were all which voted for Sir Robert Dashwood, in prejudice to the Petitioners; and praying Redress, and the Mayor's Return to be taken from, and the Petitioner's affixed to the Precept: Read and Referred.

Report. *Die Mercurii 23 Decembris 1691.* Ordered, That the Chaitman of the Committee of Privileges and Elections do Report the Matter touching the Election for the said Burrough of Banbury, with the other Reports of Elections in the County of Oxford, upon Tuesday Morning next. And accordingly

Die Martis 29 Decembris 1691. Mr. Serjeant Trenchard Reported from the said Committee the matter touching the Election for the said Burrough of Banbury, upon the Petition of the Freeman and Burgesses of the said Burrough, against the Return of Sir Robert Dashwood Knight.

That the sole Question was concerning the Right of Election; for if the Right was in the Mayor, Aldermen, and Capital Burgesses, as they are called, then the Sitting Member; and if in the Burgesses at large, then John Hawles was duly Elected.

This Question seem'd to arise from some doubtful Words in the Charter granted to the said Burrough 1 Marie, and in several Returns to Parliament.

The Charter takes notice of the great Service the Inhabitants of Banbury had done Queen Mary against the Rebellion of the Duke of Northumberland; and grants that the Town of Banbury shall be a free Burrough, and Incorporates them by the Name of the Bailiff, Aldermen, and Burgesses of the Burrough and Parish of Banbury; and that they, the Bailiffs, 12 Aldermen, and 12 Burgesses, shall be one Body Corporate and Community; and provides, that in the Case of the Death or Removal of any Alderman, one of the Capital Burgesses shall be chosen in his room; and that the Serjeant at Mace, belonging to the said Burrough, shall be chosen by the Bailiff, Aldermen, and Capital Burgesses. And the Charter names the Bailiff, 12 for Aldermen, and 12 for Capital Burgesses; and in several other places of the Charter no mention is made of Capital Burgesses.

Then afterwards the Profits of the Markets and Fairs is granted to the Bailiff, Aldermen, and Burgesses, and the privilege of sending One Burgess to Parliament, is granted to the Bailiff, Aldermen, and Burgesses, and their Successors: So that the word Capital being left out of the Grant of sending a Burgess to Parliament, made the Doubt upon the Charters, whether this Burrough should chuse in their Corporate Capacity by a select Number, or by the Burgesses at large.

For the Petitioners were produced the following Returns:

5 Eliz. Bailiff and whole Community Elected. The Return under the Common Seal. And

14 Eliz. *Eadem forma.*

28 Eliz. Bailiffs, Aldermen, Burgesses and Commonalty Elected. The Return under the Common Seal.

30 Eliz. The Return imperfect; Bailiff, some Aldermen and Burgesses by Name and Commonalty Elected. The Return under the Common Seal.

16 Car. 1. Mayor, Aldermen and Burgesses of Banbury Elected. The Return under the Common Seal.

13. Car. 2. Mayor, Aldermen and Capital Burgesses Elected. The Return under the Common Seal.

For the Petitioner was also called

John Austin, who produced an Indenture, with about 40 Names, purporting an Election of Mr. Hawles, and said, it was sign'd by several Persons, whose Names were thereto put; and that they had demanded of the Mayor to be polled, but were refused by him; saying, the Precept was directed to the Mayor, Aldermen, and Capital Burgesses.

The said Austin said further, that some of the Common Burgesses offer'd to vote for the Sitting Member, but he would not accept of them.

For

For the Sitting Members were produced the following Returns.

29 Eliz. Bailiff, Aldermen, and Burgeses for the Burrough and Parish of Banbury Elected. The Return under the Common Seal.

43 Eliz. Eadem forma.

31 Car. 2. Mayor, Aldermen, and Capital Burgeses Elected. The Return under the Common Seal.

For the Sitting Member was also called

Samuel Tateham, aged about 74; said he was a Freeman, but had no Vote; that he remember'd the Election of Nathaniel Fienns Esq; in the Reign of Car. I. and that the Mayor, Aldermen, and Capital Burgeses only voted, and that no others claimed a Right to vote: Neither did any other vote in the Election of Sir John Holman, An. 1661, tho' since they have claimed a Right.

John Tims testified that he remember'd the Election of Sir John Holman, and that only the Mayor, Aldermen, and Capital Burgeses voted at that Election, &c.

Whereupon the Committee came to these Resolutions following.

"1. That the Right of Election of a Burges to serve in this present Parliament for the Burrough of Banbury is in the Mayor, Aldermen, and Capital Burgeses of Banbury only.

"2. That Sir Robert Dashwood Knight and Baronet is duly Elected a Burges to serve in this present Parliament for the Burrough of Banbury.

To which Resolutions the House on the Question severally put thereupon agreed.

Die Veneris 10 Februarii 1698. This Day a Bill being ordered to be prepared and brought in, to restrain the number of Officers sitting in the House: 1698.

Ordered, That Mr. Isaackson, a Member of this House (for Banbury) do attend this House in his Place immediately; and he being come into the House, was heard in his Place.

Ordered, That Sir John Bolles, Sir John Leveson Gower, Sir Robert Nappier, and Mr. Hammond do go immediately to the Stamp-Office, and bring with them the last Commission for managing the first Duties, and the Commission for managing the additional Duties upon Stamp Vellum, &c. and inspect the Books what Persons have acted since the additional Duties were granted, and report the same to the House.

And Mr. Isaackson being withdrawn, Ordered, That Candles be brought in, and they were accordingly.

Then a Question being proposed, That James Isaackson Esq; having, since his being elected to serve in this Parliament, been concern'd, and acted as a Commissioner in managing the Duties upon Vellum, &c. contrary to the Act made in the 5th and 6th Years of his Majesties Reign, for granting several Duties upon Salt, Beer, Ale, and other Liquors, being expell'd this House: And a Debate arising thereupon:

And a Motion being made, and the Question being put, that the Debate be adjourn'd till to morrow morning: The House divided. The Yeas go forth.

Lord Pawlet,	} Yeas, 111.	Coll. Granville,	} No's, 164.
Mr. Ogle,		Mr. Freeman,	

So it passed in the Negative.

Then the Serjeant was directed to go into the Speaker's Chamber, and acquaint Mr. Isaackson, that if he had any thing more to offer to the House, they were ready to hear what he had to say.

Whereupon Mr. Isaackson came down into the House, and was again heard in his Place, and then withdrew: And thereupon

Resolved, That James Isaackson Esq; having since, &c. (ut supra.) be Expell'd this House.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for Electing another Burges to serve in this present Parliament for the Burrough of Banbury in the County of Oxon. in the room of James Isaackson Esq; Expell'd this House.

Note, On this Writ there was a Double Return of Charles North Esq; and John Dormer Esq;

Die Martis 11 Martii 1700. Ordered, That the Report from the Committee touching the Double Return for the said Burrough, be made upon Thursday morning next. And, 1700.

Die Jovis 13 Martii 1700. Sir Rowland Gwyn accordingly reported, as it appear'd Report. to them, the Matter upon the said Double Return, and the Resolution of the Committee

mittee thereupon, which was Read, and agreed unto by the House, viz.

Resolved, "That Charles North Esq; is duly return'd a Burgess to serve in this present Parliament for the said Burrough. And

Ordered, That the Clerk of the Crown do attend to morrow morning to amend the Return for the said Burrough, by taking off the Return of John Dormer Esq; And

Die Veneris 14 Martii 1700. He attended and amended the Return accordingly.

Burgus de Barnstaple in Com' DEVON.

Great
Domesd.
fol. 100.

This Entry is found in Great Domesday Book, under the Title of Terra Regis, viz. Rex habet Burgum de Barneftaple: Rex Edwardus habuit in Dominio. Ibi sunt intra Burgum 40 Burgenses & 9 sunt extra Burgum. Inter omnes reddunt Regi 40 solidos ad Pensum, & Episcopo Constanfienfi 20 solidos ad numerum.

1676. **D***IE Veneris 16 Februarii 1676. Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for Eleſting another Member to serve in this present Parliament for the said Burrough in the room of Sir John Northcot Barronet deceas'd.

Burgus de Basingstoke in Com' SOUTHAMPTON.

1693. **D***IE Jovis 8 Februarii 1693. A Petition of the Corporation of Basingstoke in the County of Southampton was presented to the House and read; setting forth, That the Petitioners did formerly send Members to serve in Parliament, which was discontinued upon the Petition of their Ancestors: And praying that they may be restored to their antient Right of sending Members to Parliament. And the same was by leave of the House withdrawn.*

Civitas de Bath in Com' SOMERSET.

12 & 17
Ed. 4.

In the 12 & 17 E. 4. the Indentures of Return for the said City run thus: Hæc Indentura &c. testatur quòd Cives Civitat. Bathon. ex unanimi assensu elegerunt (naming two Citizens elected) &c. essend. ad Parliamentum.

But it seems to appear by Prynne's Brevia Parl. Red. fol. 317. That Elections for this City have always been made by the Mayor, Aldermen and Common Council, consisting of 31 Persons and no more; notwithstanding which the general Words, Cives or Burgenses elegerunt; or Major, Aldermanni, & Cives elegerunt, have been in all or most of their Returns.

1661. *But Note, in 13 Car. 2. 1661. Alexander Popham and William Prynne Esquires were chosen by the Mayor, Aldermen, and Citizens in general (according as the Return is in Prynne's Brev. Parl. fol. 313.) of which the whole Number elected were but 21. and so, as Dr. Brady observes, notwithstanding the Words of the Return, it could not be by the Citizens in general. And there happening a Controversy about this Election, by reason that one Alderman, 5 Common-Council-men, and 32 Freemen had elected 2 other Competitors; the Question before the Committee and the Parliament was, "Whether all the Freemen and Citizens of Bath had and ought to have Voices in the Elections of Citizens to serve in Parliament; or whether only the Mayor, Aldermen, and Common-Council of the said City had and ought to have Voices in such Elections.*

And it was prov'd, that such Elections had always been made by the latter. And so accordingly Resolved by the House.

DIE Jovis 2 Octobris 1690. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for the Election of a Burgess to serve in this present Parliament for the said City in the room of *Maurice Viscount Fitzharding* deceased. 1690.

Die Martis 7 Decembris 1693. being the 5th Session of the 6 Years Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for Electing a Citizen to serve for the said City in the room of *Sir William Basset* Knight deceased. 1693.

Comitatus de Bedford.

DIE Lune 12 Decembris 1698. A Petition of *William Duncombe* and *Thomas Bromsall* Esquires; setting forth, That at the last Election of Knights of the Shire for the said County, *Edward Lord Russel* and *Sir William Gostwick* were Return'd, by reason that Votes were procured by Entertainments and other illegal Means, and by reason many Freeholders, who offered to poll for the Petitioners, were prevented by the Sheriff and his Officers; all which Proceedings are to the Injury of the Petitioners, who stood Candidates at the said Election, and ought to have been Return'd: And praying Relief in the Premises according to Justice: Was Read and Referred. 1698.

Die Jovis 16 Novembris 1699. The said *William Duncombe* and *Tho. Bromsall* Esquires renew their Petition, and complain of the said undue Election and Return, *ut supra.* Which was also Read and Referred. 1699.

Die Martis 19 Decembris 1699. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the said County of *Bedford*, be made upon Thursday morning next. And accordingly,

Die Jovis 21 Decembris 1699. *Sir Rowland Gwyn* Reported from the said Committee the Matter as it appeared to them touching the Election for the said County of *Bedford*, and the Resolutions of the Committee thereupon, which they had directed him to Report to the House, &c. as their Opinions, *viz.*

"1. That if a Person, having at an Election a Right to vote for two Members to serve in Parliament, shall give a single Vote, such Person hath not a Right to come afterwards and give his second Vote during the said Election.

"2. That the Lord *Edward Russel* is duly Elected a Knight to serve in this present Parliament for the said County of *Bedford*.

"3. That *Sir William Gostwick* is duly Elected a Knight to serve in this present Parliament for the said County of *Bedford*.

But Note, the first Resolution being read a second time, the Consideration thereof was postponed. D

The second and third Resolutions being severally read a second time, were, on the Question put thereupon, agreed unto by the House.

Then the House proceeded upon the Consideration of the said Resolution which was postponed. And a Debate arising in the House thereupon:

Resolved, That the Debate be adjourned till to morrow 12 a Clock.

But note, nothing further was done therein.

Villa & Burgus de Bedford in Com' BEDFORD.

DIE Sabbati 29 Martii 1690. A Petition of *Sir William Franklin* Knight; setting forth, that he was duly chosen by the proper Officers of the Burrough and Town of *Bedford*; and the Return being made to the High-Sheriff, which he received and returned to the Under-Sheriff, with Orders that he should deliver the same without alteration to the Clerk of the Crown, which he carry'd to the Clerk's Office; but that about the 19th instant he went to the Clerk's Office, and altered the Return, by tearing off the Indenture from the Precept wherein the Petitioner was returned, and affixed 1690.

affixed another in room thereof, whereby Mr. *Christy* and Mr. *Hilliersden* are returned; whereupon a Double Return is pretended purposely to delay the Petitioner from serving in this House; and praying that the Under-Sheriff and Clerk of the Crown may shew Cause why the Return was altered, and that the Precept may be produced, and the Return of the Petitioner stand: Was read: and upon the Question, referred to the Committee of Privileges and Elections.

Report.

Die Sabbati 12 Aprilis 1690. Mr. *Gray* reported from the said Committee the Matter of the said Election, viz. That the Committee found by inspecting the Records of the said Returns, that by one Indenture dated 18 March 1689. mentioned to be made between *Samuel Carter* Esq; High-Sheriff of the County of the one part, and *William Becket* Mayor of Bedford, *Edward Pilkington* Bailiff, and other Burgesses of Bedford of the other part, Sir *William Franklin* and *Thomas Hilliersden* are returned Burgesses for the said Burrough. But,

By another Indenture dated 15 March 1689. mentioned to be made between the said High-Sheriff of the first part, and *Robert Thomas* Elder Bailiff, and others Burgesses of the said Burrough of the other part, the said *Thomas Hilliersden* and *Thomas Christy* Esquires are returned Burgesses for the said Burrough.

For Sir *William Franklin* the Council insisted,

That it was at first a single Return made by the High-Sheriff, and afterwards made double by adding another Indenture by the Under-Sheriff: And produced

Mr. *Francis Brace*, Mr. *Becket* the Mayor, *Samuel Carter* High-Sheriff, and Mr. *Milton*; upon Examination of whom the Fact appeared to be thus, viz.

Mr. *Carter* the Sheriff delivered the Precept to the Mayor directed only to him, and at the Election the Precept being began to be read, Exception was taken to the Direction, because it was not to the Bailiffs as well as to the Mayor, as (it was insisted) it used to be. Thereupon one *Dymock*, a Deputy to the Under-Sheriff (who had then the Seal of the Office) interlined Bailiffs in the said Direction, and then they proceeded to the Election; and after the Election was over, the High-Sheriff received the Precept back from the Mayor (not knowing the Word Bailiffs was added) with the Indenture by which Sir *William Franklin* and Mr. *Hilliersden* were returned only, and having annexed them to the Indenture for the County, delivered them to the Under-Sheriff to be filed in the Crown-Office. But the Under-Sheriff (tho' there were some Covenants between him and the High-Sheriff not to intermeddle in Elections) carries to the Crown-Office the other Indenture returned by the said other Bailiff and Burgesses, in which Mr. *Christy* and Mr. *Hilliersden* were returned, annexed to the Indenture returned by the Mayor, between which Indenture was fixed the Sheriff's Precept. But before delivery of the said Returns into the Crown-Office, being in the Anti-Chamber, the Under-Sheriff inquired of Mr. *Milton* Deputy Clerk of the Crown, whether it was necessary to deliver in the Precept; and Mr. *Milton* informing him some did and some did not, the Under-Sheriff cut off the Precept, and delivered the Indentures into the Office.

For Mr. *Christy* the Council insisted,

That Sir *William Franklin* was not duly returned, the Precept being directed to the Mayor and Bailiffs, and returned by the Mayor and one Bailiff only: And called

Simon Urlin, *Shem Hanwell*, and *Robert Thomas*, who testified that (Bailiffs) were inserted with the full Consent of the Candidates.

And produced two Indentures of Return, viz. 12 Februarii 1678, and 18 August 1679, between the Mayor and Bailiffs of the one part, and the High-Sheriff of the other part, by which it appeared, that the Precept was then directed to the Mayor and Bailiffs.

After the Matter of the Petition and Return was heard, the Council of both sides were directed to proceed to the Merits of the Election, according to an Order of the Committee of 28 March last. Quære the Order.

Then the Council for Sir *William Franklin* insisted, that they had not been serv'd with the Order, and wanted their Witnesses, and some Books; but the Committee being informed that they had applied themselves for no Order for Witnesses nor Books, proceeded upon the Merits of the Election, and the Council for Mr. *Christy* produced the Declaration of the Common Council of the 19 December 1687, "that every Inhabitant not taking Collection nor being a Sojourner, hath a Vote.

And called *William Faldo*, *John Crawly*, *John Pawlin*, and *William Stringer*, who spoke as to six or seven Elections that they had known, and said, "that the Burgesses, Freemen, and Inhabitants, being Householdiers not receiving Collection, had a Right of Electing, &c.

And

And Sir *Humphry Winch* being Examined said, that he was Elected by the same Persons, and that he was Returned by the Mayor and Bailiffs.

Urtin being Examined said, he was one that took the Poll by order of the Mayor, and that Mr. *Christy* had 290 Voices, *Hillersden* 280, Sir *Will. Franklin* 249, Sir *Anth. Chester* 218. That in his Poll there were 69 *Queres* by the Mayor for Mr. *Christy*; 63 for Mr. *Hillersden*; 60 for Sir *Anthony Chester*; and 54 for Sir *William Franklin*.

Shem Hanwell said, he was another appointed by the Mayor to take the Poll; and that according to his Book, Mr. *Christy* had 291, *Hillersden* 285, Sir *William Franklin* 254, and Sir *Anthony Chester* 213. And that 69 were *Queried* for Mr. *Christy*, and 68 for Sir *William Franklin*; and that he *Queried* all the Mayor bid him.

Urtin and *Hanwell* said, the Election began on *Ash-Wednesday*, and was then adjourned to *Thursday*, when the Poll was closed; and (tho' Mr. *Christy* demanded the Poll to be cast up) was then adjourned till three a Clock, *Post Meridiem*, to the *Swan* in *Bedford*; then adjourned till *Friday* sennight; then adjourned till *Saturday*; and then till *Tuesday*; and then the Mayor declared the Election, when Mr. *Christy* had taken Coach for *London*.

John Fenn said, he knew the persons that polled, and were all good Voices.

Hanwell and *Chaplin* testified, that the Mayor had had the Town-Books, and was again offered to Inspect them.

John Fenn and *William Wele* said, that Sir *William Franklin* had dispers'd several Scandalous Reports of Mr. *Christy* before the Election, on purpose to alienate Mr. *Christy's* Friends.

Robert Thomas the Elder Bailiff said, that he did not agree to the Return of the Mayor, nor Adjournment of the Poll.

Whereupon it was Resolved by the Committee, viz.

4. "That the matter upon the Petition of Sir *William Franklin*, and of the Returns of Burgesses for the said Burrough and Town of *Bedford* be Reported specially to the House.

1. "That the Right of Electing Burgesses to serve in Parliament for the said Burrough is in the Freemen, Burgesses, and Inhabitants being Householdors of *Bedford*, not receiving Alms.

2. "That Sir *William Franklin* is not duly Elected a Burgess to serve in this present Parliament for the said Burrough of *Bedford*.

3. "That *Thomas Christy* Esq; is duly Elected to serve in this present Parliament for the said Burrough.

(But Note, As these Resolutions are Entred in the Journal, the First is the Fourth, &c. But in the Votes they stand ut supra.)

Then a Petition of Sir *William Franklin* was offered to the House, and opened, and brought to the Table; and the Question being put, That the Petition be Read; it passed in the Negative.

Note, This Petition is Entred in the Journal, as Read, viz. That he was surprized by the Order of the Committee, which Mr. *Christy* had obtain'd, to hear the Merits of the Election, with the matter of the Double Return; and therefore had not instructed his Council, nor was provided for a Defence in that matter; the said Order being obtained *ex parte*: Which Petition was on the Question rejected.

And a Motion being made, and the Question being put, That the Matter of the Election of Burgesses for the said Burrough be Recommitted. The House divided: Yea's 27. No's 282. So it was Resolved in the Negative.

Then the Second, Third and Fourth Resolutions of the Committee were severally Read a second time; and the House, upon the Question severally put thereupon, agreed thereunto.

Ordered, That the Under-Sheriff of the County of *Bedford* be taken into Custody of the Serjeant at Arms attending this House, for his Misdemeanour touching the Return for the Burrough of *Bedford*.

Ordered, That the Mayor of *Bedford* be also taken into Custody of the Serjeant at Arms, for his Misdemeanour in the late Election for the said Burrough.

Resolved, That after the Return made into the Crown-Office of Members to serve in Parliament, the same shall not be altered by the Sheriff, or Clerk of the Crown, or any other, but by this House.

Ordered, That the Mayor and Bailiffs of the Town of *Bedford* do attend this House upon Monday Morning next, to amend the Return for the said Burrough; and that the Clerk of the Crown do then attend with the said Return. But,

Die Luna 14 Aprilis, 'Twas Ordered to be on Thursday Morning.

Die

Burgus de Berealston.

Die Jovis 17 Aprilis 1690. The House being inform'd, that the Bailiff of *Bedford*, and the Clerk of the Crown attended at the Door, to amend the Return of the Burgeses for the said Burrough, they were called in, and amended the Return accordingly. *See the Journal.*

Die Martis 22 Aprilis 1690. A Petition of *John Firby* Gent. Under-Sheriff of *Bedfordshire*, in Custody of the Serjeant at Arms, was Read; upon which it was Ordered, That he be brought to the Bar to Morrow-morning. And accordingly,

Die Mercurii 23 Aprilis 1690. He was, according to the said Order, brought to the Bar; and upon his humble Submission and Acknowledgment of his Misbehaviour, he was discharg'd, paying his Fees.

Die Sabbati 26 Aprilis 1690. Ordered, That the Mayor of *Bedford* be brought to the Bar of this House, upon Monday Morning next.

Die Lune 28 April. The Mayor of *Bedford* attending, according to the said Order, he was called in to the Bar; and upon his humble Acknowledgment of his Misbehaviour, and Submission, was ordered to be discharged out of Custody, paying his Fees.

Burgus de Great Bedwin in Com' WILTS.

1694. *DIE Lune 12 Novembris 1694.* Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for Electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Anthony* Lord Viscount *Falkland*, deceased.

1698. *Die Lune 12 Decembris 1698.* A Petition of *Patrick Bird* and *John Morgan*, on behalf of themselves, and other Legal Voters, Inhabitants of the Burrough of *Great Bedwin* in the County of *Wilts*; setting forth, that at the last Election of Burgeses to serve in Parliament for the said Burrough, Dr. *Charles Davenant* by illegal Practices and Corruption, procured himself to be Chosen, and Returned; so that thereby the said Election, as to him, is become void, and the Petitioners are unduly Represented; and praying that the Premises may be examined, and the Petitioners relieved therein: Read and Referred. Also

A Petition of *Thomas Neal* Esq; setting forth, That several indirect means were used by *Charles Davenant* and his Agents to gain Votes at the late Election of Members to serve in this present Parliament for the said Burrough of *Great Bedwin*; otherwise the Petitioner would have had the Majority of legal Voters from all the Candidates, and ought to have been Return'd; and praying the Consideration of the House in the Premises: Read and Referred.

1699. *Die Jovis 16 Novembris 1699.* The said *Thomas Neal* Esq; renews his Petition for the said Burrough; Complaining of an undue Election and Return, *ut supra*: Which was likewise Read and Referred.

Die Lune 5 Februarii 1699. The House being inform'd, that *Thomas Neal* Esq; who petitioned against Dr. *Davenant*, touching the Election for the said Burrough, is dead.

Ordered, That the said Committee be discharg'd from proceeding any further on the said Petition.

Burgus de Berealston in Com' DEVON.

1678. *DIE Mercurii 19 Martii 1678.* Mr. Serjeant *Maynard* being Chosen to serve both for the Burrough of *Plymouth*, and also for the Burrough of *Berealston*, made his Election for the Burrough of *Plymouth*; and a Warrant for a new Writ order'd for a new Election for *Berealston*.

1691. *Die Martis 8 Decembris 1691.* Sir *Francis Drake* being Return'd a Burgess to serve both for the Burrough of *Tavistock* in the County of *Devon*; and also for the Burrough of *Berealston* in the same County, he Elected to serve for the Burrough of *Tavistock*.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for Electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Burrough of *Bereafſton*.

Die Luna 23 Aprilis 1694. *Ordered*, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Burrough of *Bereafſton*, in the room of *John Swinſen Eſq;* deceased. 1694.

Die Martis 26 Novembris 1695. *Sir Harry Hobart* being Elected a Knight of the Shire for the County of *Norfolk*, and alſo a Burgeſs for the ſaid Burrough of *Bereafſton*, made his Election to ſerve for the ſaid County of *Norfolk*. And 1695.

Ordered, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgeſs to ſerve for the ſaid Burrough of *Bereafſton* in his room.

Die Mercurii 14 Decembris 1698. *Sir Rowland Gwyn* being Elected to ſerve in this preſent Parliament, as a Knight of the Shire for the County of *Brecon*, and alſo a Burgeſs for the ſaid Burrough of *Bereafſton*, made his Election to ſerve for the County of *Brecon*. And 1698.

Ordered, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgeſs to ſerve for the Burrough of *Bereafſton*, in the room of *Sir Rowland Gwyn*, who hath made his Election for the County of *Brecon*.

Die Sabbati 15 Feb. 1700. *Sir Rowland Gwyn* being again Elected to ſerve as a Knight for the County of *Brecon*, and alſo a Burgeſs for the ſaid Burrough of *Bereafſton*: 1700.

The like Order was made for iſſuing a new Writ for Electing another Burgeſs for *Bereafſton* in his room.

Comitatus Berks.

DIE Luna 24 Martii 1689. A Petition of *Richard Neville Eſq;* ſetting forth 1689.
That he and *Sir Henry Winchcombe* were duly Elected Knights of the Shire for the ſaid County of *Berks*, by the Majority of duly Qualified Votes; yet the Sheriff of the ſaid County, in prejudice of the Petitioner, had Returned the ſaid *Sir Henry Winchcombe*, and *Sir Humphry Forſter*, Baronets, as Knights of the Shire; was Read and Referred.

Die Mercurii 2 Aprilis 1690. Another Petition of ſeveral Freeholders, on behalf of themſelves and others, the major part of the Freeholders of that County; That the Right Honourable *Montague Lord Norris*, and *Sir Humphry Forſter* Knight, were on the 24th of February laſt fairly elected Knights for the ſaid County by the majority of legal qualified Freeholders; yet the Sheriff hath Return'd *Sir Henry Winchcombe* inſtead of the Lord *Norris*, and in wrong to the Petitioners; and praying the Conſideration of the Houſe, &c. Read and Referred. 1690.

Die Luna 6 Octobris 1690. being the ſecond Seſſion. The ſaid Mr. *Neville* renews his Petition, viz. That on the 24th of February laſt, he was duly Elected Knight of the Shire for the ſaid County by the majority of Freeholders; yet the Sheriff, in wrong to the Petitioner, hath Returned *Sir Henry Winchcombe*, &c. Read and Referred.

Die Jovis 9 Octobris 1690. A Petition of the Freeholders of the ſaid County, viz. That on the 24th of February laſt, *Montague Lord Norris* and *Sir Humphry Forſter* were duly Elected by the Majority of Qualified Voices; but the Sheriff, in wrong to the Petitioners, hath Returned the ſaid *Sir Humphry* and *Sir Henry Winchcombe*, as duly Elected, &c. Read and Referred.

Die Luna 22 Decemb. 1690. Mr. *Gray* Reported from the Committee of Privileges and Elections, to whom the matter touching the Election of a Knight of the Shire for the ſaid County of *Berks* was referred, upon the ſeveral Petitions above-mention'd:

That as to the Petition of the Freeholders of the ſaid County, againſt the Return of *Sir Henry Winchcombe*, No Perſons appearing before the Committee to make good the ſaid Petition, the Committee had Reſolved as their Opinion, That the ſaid Petition be Rejected. And

M

That

Villa de Berwick.

That on the Petition of *Richard Neville*, touching the Return of *Sir Humphry Forster* for the same County: It appeared,

That on the Poll, *Sir Humphry* had ————822. And

The Petitioner ————793.

But the Petitioner objected, That 9 voted for the Petitioner which were not set down in the Poll; and that 5 others were not present, who are set down for *Sir Humphry Forster*, and that 7 others that polled for *Sir Humphry* were not Freeholders.

It being proved to the Committee, that all that were admitted to poll had taken an Oath, that they were Freeholders, and the Persons themselves not being present, the Committee came to a Resolution, *viz.*

That the Opinion of this Committee is, *Not to admit a Verbal Averment against an Oath given by the Sheriff to such Freeholders, they not being present.*

And that the said 27 being allowed, the Sitting Member had the Majority: Whereupon the Committee also Resolved, That *Sir Humphry Forster* is duly Elected a Knight of the Shire to serve in this present Parliament for the County of *Berks.*

And on the-Question severally put, Resolved by the House,

1. "That (no Person appearing at the said Committee to make good the Petition against *Sir Henry Winchcombe*) the said Petition be rejected.

2. "That *Sir Humphry Forster* is duly Elected a Knight of the Shire, to serve in this present Parliament for the County of *Berks.*

But note, the House postponed the Consideration of the Resolution, Not to admit a Verbal Averment against an Oath, &c. ut supra.

Villa de Berwick super Tweed.

1678. **D**IE Mercurii 19 Martii 1678. A Petition of *Daniel Collingwood Esq;* Complaining of an undue Return of *Sir Ralph Gray* to serve in this Parliament as a Burgess for the Town of *Berwick upon Tweed*, in Injury of the Petitioner, who was duly Elected, and ought to have been Return'd; was Read and Referred.

But nothing more done thereon this Parliament.

1695. **D**IE Luna 25 Novembris 1695. A Petition of *Sir Francis Blake* Knight, setting forth, That at the Election of Burgesses to serve in this present Parliament for the Town of *Berwick*, *Ralph Gray Esq;* the Petitioner, and *Samuel Ogle Esq;* stood as Candidates, where many undue Practices were used to procure Votes for *Mr. Ogle*, tho' the Petitioner had the Majority of such as were duly Qualified to Vote; but the Mayor of the said Town (who is Brother-in-Law to *Mr. Ogle*) hath Return'd *Mr. Ogle* with *Mr. Gray*, when he ought to have Return'd the Petitioner with *Mr. Gray*, to the great wrong of the Petitioner; and praying the Consideration of the House therein; was Read and Referred to the Committee of Privileges and Elections.

Die Sabbati 7 Martii 1695. The said Report was ordered to be made upon Monday Morning next. And accordingly

Die Luna 9 Martii 1695. Col. *Granville* Reported from the said Committee the matter of the Election, as it appeared to them. *viz.*

Upon the Petition of *Sir Francis Blake*, complaining of an undue Election of *Mr. Ogle* for the said Burrough, the Committee have Examined the Merits of that Election.

That upon the Poll there was } For *Mr. Ogle* ————106.

For *Sir Francis Blake* ————103. And 'twas prov'd,

That the Right of Election is in the Freemen of the said Burrough.

- ✂ The Petitioner objected to 4, *viz. William Nelson, Henry Richardson, Robert Watson, and Joseph Bunton*, who voted for *Mr. Ogle*; that they were made Free after the Teste of the Writ.

That the Writ was Teste'd the 12th of October, and they were made Free the 18th of October.

But it appeared to them, that by the Custom of the said Burrough there are Four Quarter Guilds, and they are commonly Adjourned for a Fortnight; and that there

there was a Quarter Guild the 4th of October, and adjourn'd to the 18th of October, at which time the 4 were made free.

It appeared also, That they had a Right for many Years to demand their Freedom; and one had had a Right for many Years, being the Eldest Son of a Freeman, and 40 Years of Age.

It was admitted, that these were Excepted to at the time of the poll.

That to prove these 4 so made free ought not to be allow'd to the Sitting Member, the Petitioners produced two Reports from the Committee of Privileges and Elections, one of the 28 Novemb. 1 G. & M. of the Election of Clifton, Dartmouth, Hardness; wherein Mr. Booth was the fitting Member, and Mr. Kern the Petitioner, that 25 Freemen that voted for Mr. Booth not being duly and legally made Free, were not allowed to Mr. Booth as good Votes, and thereupon it was Resolved that Mr. Booth was not duly Elected.

That the other was a Report of an Election for the City of York between Mr. Edward Thompson and Mr. Henry Thompson, whereby it appeared that 22 that voted for Mr. Edward Thompson were objected to, because they were made free after the Test of the Writ.

It was also proved that Mr. Foster, Mr. Watson, Mr. Moor, and another Person, had Right to demand their Freedoms, and would have taken their Freedoms, and voted for Sir Francis Blake; but Mr. Foster gave it as his Opinion, that it would do Sir Francis Blake no kindness to have them made free after the Teste of the Writ.

That on the other side, to prove that they ought to be allowed as good Votes, having a Right to demand their Freedoms, was produced a Copy of a Report of an Election for the City of Chester the 2d of December 1691, between Sir Thomas Grosvenor and Mr. Leving Sitting Members, and Mr. Whitley and Mr. Manwareing Petitioners; by which it seemed to be allowed to the Sitting Members, that such as were made free after the Teste of the Writ, being qualified to demand their Freedom, had a Right to vote.

And a Copy of another Report of an Election for the Burrough of Ludlow 8 Dec. 3. G. & M. between Mr. Hanmore and Mr. Gower Petitioners, and Coll. Titus and Mr. Lloyd Sitting Members, by which it seemed that the Committee and House were of the same Opinion.

That the Petitioners also excepted to 3 others of Mr. Ogle's Voters, Mr. Luke Ogle, Mr. Ralph Gray, and the Lord Pollard; for that tho' they had a Ticket given them to be Freemen, yet they had not been sworn.

But it appeared they had all been enter'd in the Roll of Freemen, and were always called over with Freemen at Elections, and all in the Roll were taken to have a Right to vote.

That upon the whole matter the Committee came to this Resolution, as their Opinion, viz.

Resolved, "That Samuel Ogle Esq; is duly Elected a Member to serve in this present Parliament for the said Town of Berwick upon Tweed.

And the said Resolution being read a second time, was upon the Question put thereupon agreed unto by the House.

Burgus de Berwoly in Com' WORCESTER.

Mr. Pryn takes notice, That this Burrough in the 26th Year of Edward the 1st sent two Members to Parliament.

In the 12th of E. 4. a Charter of Incorporation was granted to them.

In the 22d of H. 7. another Charter with additional Privileges was granted.

In the 1st of H. 8. another Charter of Confirmation was granted, which recites the former Charters by Inspeximus.

In the 3 Jac. 1. another Charter incorporated them by Name of Bailiff and Burgeses, which confirms all their Liberties and Privileges before that time used, and grants them several Officers, viz. a Recorder, Steward, Town-Clerk, 12 Capital Burgeses, 2 Serjeants at Mace, &c. and appoints the Supream Magistrate (the Bailiff) should be

Pryn's Brev.
Parl. Rediv.
26 E. 1.
12 E. 4.
22 H. 7.
1 H. 8.

- be yearly chosen by the Bailiff and Burgeses, and that the Right of Eleſſing a Burgeſs to Parliament (which for ſome time before was diſcontinued) ſhould be in the Bailiff and Burgeſſes at large, whether Inhabitants or not Inhabitants.
- 35 Car. 2. In 35 Car. 2. this Corporation undertook a Regulation, and a Surrender was procured under their Seal, and ſigned by the Bailiff and ſeveral of the Capital Burgeſſes, whereby in the Name of Bailiff, Recorder, and Burgeſſes, they ſurrendered the ſaid Charter of K. James the 1st.
- 1 Jac. 2. In 1 Jac. 2. this Corporation was by the Violence of thoſe Times oblig'd to accept another Charter, which in ſubſtance was much the ſame with that of Jac. 1. ſaving a Clause which gave the King ſuch a Power of Removal of Burgeſſes, as would influence the Eleſſion of a Member to Parliament.
1707. But on a Trial in B. R. in Trinity Term 1707, touching the Right of eleſſing a Bailiff, this Surrender was held void in Law; for that the word Recorder was added to the Name of Incorporation.
- Application by Petition to the Queen was hereupon made by the Recorder, and ſome other Burgeſſes for a new Charter, which was granted, and a new Corporation thereby erected, and the Privileges of the old one granted to them.
- In conſequence of this two Members have been eleſſed to Parliament, and two Returns made to the Sheriff, the one by the Bailiff of the old Corporation, and the other by the Bailiff of the New. But the Sheriff having return'd only the Perſon eleſſed under the New, and a Petition being lodg'd on behalf of the Old; it muſt be left to the Houſe of Commons to determine in whom the Right of Eleſſing a Member to Parliament is, whether it remains in the Old Corporation, or is transferr'd to the New.

1676. **D**IE Sabbati 10 Martii 1676. Sir Tho. Meers reports from the Committee of Privileges and Elections the State of the Caſe, and the Evidence therein, concerning the Election for the ſaid Burrough, between Mr. Foley and Mr. Herbert, and that the chief matter on which the Committee did ground their Opinion was the Bribery of Mr. Foley to procure the Voices of the Electors. On which they proceed to paſs two Votes as their Opinions, viz.

"1. That Mr. Foley is not duly Eleſted to ſerve in this preſent Parliament as Burgeſs for the ſaid Burrough of Bewdley.

"2. That Mr. Herbert is duly Eleſted to ſerve in this preſent Parliament as a Burgeſs for the ſaid Burrough of Bewdley.

And the firſt of the ſaid Votes being twice read, and the Queſtion being put to agree with the Committee, That Mr. Foley is not, &c.

It was reſolved in the Affirmative.

And the 2d Vote being twice read, and the Queſtion being put to agree with the ſaid Committee, That Mr. Herbert is duly Eleſted, &c. The Houſe divided. The No's go forth.

Sir John Elwes, } Yea's 176.
Mr. Thynn, }

Mr. Sacherevel, } No's 67.
Mr. Ashe, }

So it was Reſolved in the Affirmative. And

Ordered, That the Clerk of the Crown do on Monday next attend with the Return for the ſaid Burrough of Bewdley, in order to amend the ſame. And accordingly,

Die Lune 12 Martii 1676. The Clerk of the Crown's Deputy attending, was called into the Houſe, and bringing up the Return for the Burrough of Bewdley to the Table, did there amend the ſame by razing out the Name of Mr. Foley, and inserting the Name of Mr. Herbert.

1678. Die Mercurii 19 Martii 1678. A Petition of Henry Herbert Eſq; complaining of an undue Return of Philip Foley Eſq; in prejudice to the Petitioner: Was read and referred, &c.

1679. Die Lune 14 Aprilis 1679. Ordered, That the Matter of the Election for the Burrough of Bewdley be adjourn'd till Friday in the next Week after Eaſter Week.

But in the Afternoon of the ſame Day 'twas Ordered, That the Matter touching the Election for the Burrough of Bewdley, be heard at the Committee of Elections and Privileges on Wednesday next in the Afternoon; but if the Committee ſhall not then ſit, then the ſaid Election to be heard on the firſt Friday after Eaſter Week, and that the hearing of all other Cauſes before the Committee be ſuſpended until the ſaid firſt Day after Eaſter Week.

Martii

Martis 27 Maii 1679. Sir John Trevor reported, that the Committee had taken into consideration the Matter of the said Election, and had heard the Evidence on both sides, and came to the following Resolution, viz.

"That the Committee were of opinion, that all the Inhabitants of the said Burrough of Bewdley have not a Right to vote in Elections of Members to serve in Parliament for the said Burrough.

And the Question being put, That the House do agree with the Committee in the said Vote, the House divided. The No's go forth.

Sir Herbert Crofts and Sir John Guise for the No's, 97.

Sir Francis Drake and Mr. Colt for the Yea's—199.

So it passed in the Affirmative: And Resolved accordingly.

Resolved, "That the Committee is of opinion, that Mr. Philip Foley is duly Elected a Burgess to serve in this present Parliament for the said Burrough.

To which the House agreed, and Resolved accordingly.

Die Lune 12 Novembris 1694. (being the 6th Session of K. William's 6 Years Parliament) Ordered, That Mr. Speaker do issue out his Warrant to the Clerk of the Crown for a new Writ, for Electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Henry Herbert Esq, now Lord Herbert of Cherbury, call'd up to the House of Lords.

Villa de Bishops Castle in Com' SALOP.

DIE Veneris 11 Aprilis 1690. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing another Member to serve in this Parliament for the said Town of Bishops Castle, in the room of Richard Mason Esq, deceased. 1690.

Die Martis 5 Februarii 1695. The like Order for a new Writ for Electing another Member to serve in the room of William Oakley Esq, deceased. 1695.

Die Lune 8 Aprilis 1695. A Petition of Richard More Esq, setting forth, That he was duly Elected a Burgess to serve in this present Parliament for the said Burrough, in the room of William Oakley Esq, deceased: Notwithstanding which the Bailiff of the said Burrough hath Returned Henry Newton Esq, with your Petitioner, whereby he is prevented from Sitting in the House; and praying to be heard in the Premisses, was Read and Referred.

Ordered, That the Clerk of the Crown do attend this House with the Return for the said Burrough to Morrow-morning.

Die Martis 23 Aprilis 1695. Ordered, That the Matter of the Election for the said Burrough of Bishops Castle be heard by the Committee upon Monday next.

Die Jovis 25 Aprilis 1695. Ordered, That the Hearing of the said Committee, touching the Election for the said Burrough, which was appointed to be next Monday, be put off until Monday next come three Weeks. But before that Day the Parliament was dissolved.

Die Lune 12 Decembris 1698. A Petition of Sir Gilbert Gerrard Baronet, setting forth, that the Petitioner ought to have been Return'd as a Burgess to serve in this present Parliament for the said Burrough of Bishops Castle; but Walter Woollaston, the Bailiff of the said Burrough, in an arbitrary and unusual manner, hath unduly Return'd Sir William Brownlow; and many other illegal Practices were used at the said Election, to the Petitioner's prejudice, and praying Relief in the Premisses; Read and Referred to the Committee of Privileges and Elections. 1698.

Die Jovis 16 Novemb. 1699. The said Sir Gilbert Gerrard renews his Petition to the like intent, ut supra; which was likewise Read and Referred to the Committee. 1699.

Die Mercurii 24 Januarii 1699. Ordered, That the Report from the said Committee, touching the Election for the said Burrough, be made to Morrow sen- night.

Burgus de Bletchingley.

Die Jovis 1 Februarii 1699. Ordered, That the said Report be made upon Saturday Morning next. And accordingly

Report. Die Sabbati 3 Februarii 1699. Sir Rowland Gwyn Reported from the said Committee the Matter touching the said Election, and the Resolutions of the Committee thereupon, which he Read in his place, and after deliver'd the same in at the Table; where they were also Read, and are, viz.

1. "That it is the Opinion of this Committee, That Sir William Brownlow Baronet is not duly Elected a Burges to serve in this present Parliament for the said Burrough of *Bishops Castle*.

2. "That it is the Opinion of this Committee, That Sir Gilbert Gerrard is duly Elected a Burges to serve in this present Parliament for the said Burrough of *Bishops Castle*.

The First Resolution being Read a second time, was on the Question agreed unto by the House.

The Second Resolution being Read a second time, and the Question put, That the House do agree with the Committee in the said Resolution. It passed in the Negative.

Resolved, That the said Election is a void Election. And

It appearing to the House upon the said Report, That the Burgeses of the said Burrough of *Bishops Castle* have been notoriously guilty of Bribery in the said Election.

Resolved, That no Writ do issue during this Session for Electing another Burges for the said Burrough.

1700. *Die Jovis 13 Februarii 1700.* A Petition of Sir William Brownlow Knight, complaining of an undue Election and Return for the said Burrough of *Bishops Castle*, was Read, and Referred to the Committee. Also,

Die Luna 17 Februarii 1700. A Petition of Sir Gilbert Gerrard Baronet, complaining of an undue Election and Return for the said Burrough of *Bishops Castle*, was Read, and Referred to the Committee.

Burgus de Blechingley in Com^s SURREY.

1695. *DIE Luna 25 Novembris.* A Petition of George Evelyn Esq; setting forth, That the Petitioner was chosen one of the Burgeses to serve in this present Parliament for the said Burrough of *Blechingley* by the Majority of the Burgeses; but the Bailiff of the said Burrough hath Returned *Maurice Thompson* Esq; instead of the Petitioner, to his manifest Injury; and praying the Consideration of the House, and Relief in the Premises, was Read and Referred to the Committee of Privileges and Elections.

Die Luna 3 Februarii 1695. Ordered, That the Report from the said Committee, touching the said Election, be made upon Wednesday Morning next. And accordingly

Die Mercurii 5 Februarii 1695. Col. *Granville* Reported from the said Committee the Matter of the said Election, as it appeared to them, viz.

Upon the Petition of George Evelyn Esq; complaining of an undue Return of *Maurice Thompson* Esq; to serve for the said Burrough, the Committee have Examined the Merits of that Election.

That Mr. *Howard*, the other Sitting Member for the said Burrough, was agreed to be well Elected: So that the Question was only between the Petitioner and Mr. *Thompson*.

Upon the Poll the Numbers were thus

{	For Mr. <i>Howard</i> ———	61
	For Mr. <i>Thompson</i> ———	29
	For Mr. <i>Evelyn</i> ———	40

That the Petitioner insisted, that the Bailiff of the said Burrough had, without just Cause, declared 24 of his Voters to be not found; and so Mr. *Thompson* duly Elected.

And for the Petitioner were called

Mr. *Richard Brombal*, Mr. *Peter Hussy*, Mr. *Thomas Bromfield*, Mr. *Thomas Drake*, who said, that they were present at the Election; that Sir *Robert Clayton*, after all were polled, said, he had Queried, and found Mr. *Evelyn* had but 16 good Votes.

That

That Mr. Evelyn offer'd to shew the Title of several of h's Voters: But Sir Robert Clayton said, his Friends had not their Titles; and that That was not a place to determine that Matter.

That Mr. Howard and Mr. Evelyn sate between the Bailiff and Sir Robert Clayton; and that Sir Robert did ask several of the Voters, Whether they had a Burgage-Tenure? And if the Bailiff said he did not know any particular Voter, then Sir Robert said he was not found, and so he was put by. And

That afterwards Sir Robert bid the Bailiff fill up the Indenture with Mr. Howard's and Mr. Thompson's Names, and said he would stand by him; and said, that if Mr. Evelyn's Petition came into the House, Sir John Thompson's Interest and his would bring him off.

Richard Jewell, John Russel, and William Life said, That Sir Robert Clayton spoke to the same effect, as before testified, about Mr. Evelyn's Petitioning.

Mr. Bromfield said, That one Butterley was objected to as unsound when he voted for Mr. Evelyn, and afterwards when he voted for Mr. Thompson the Bailiff said he was found.

Then the Petitioner proceeded to disqualifie several Voters for Mr. Thompson, and called

Robert Coleman and Richard Jewell, who said, that they liv'd at Bletchingley, but did not know that Thomas Firman, Dean Monteth, John Kendrick, Anth. Keck, Samuel Nash, William Lightfoot, John Wise, William Clayton, Samuel James, and T. Fowler had Burgage-Houses to vote for.

Richard Jewell said, that the Persons excepted to had voted at former Elections; but the Report was, that Sir Robert Clayton had bought the Houses in their Names, and he look'd upon them as Sir Robert's Trustees.

Charles Armet produc'd the Will by which Thomas Burton's pretended Estate was given to his Sister for her Life. And William Russel said, the Reputed Owner was Ursula Burton the Sister.

William Russel further said, that William Wood and John Saxby voted for the same House.

That for the Sitting Member were produced,

Mr. Bonwick and Mr. Kendrick, who said, that they were present at the Election, and saw nothing but what was fair.

That the Bailiff asked the Electors before they declared who they were for, where their Freeholds lay; but they refused to give any account, and said they would be made good Voices before the Committee of Elections. But confessed, that Mr. Evelyn did say he had Writings to make several of his Voters good, but that he did not offer to produce them. And

Mr. Kendrick said, that the Persons excepted to had voted at former Elections; that himself had voted since the Year 1682. and that the Widow Palmer was his Tenant; that the Consideration-Money of his Purchase was paid by Mr. Tho. Clayton; That he had not actually received any Rent, but Mr. Tho. Clayton was accountable for it to him; that Sir Robert Clayton did keep the Deeds of this, and of all other his Estate; and that he received this Deed in the Morning of Sir Robert Clayton.

James Snolly, Thomas Martingale, and Thomas Burton said, that one House had but one Vote, but believed there were more Votes now than formerly; and Burton said, that he did not think there were 40 good Votes in the Burrough.

Thomas Chapman said, that there are at Bletchingley 54 or 55 Burgage-Houses; that some Houses had been built upon the old Burgage-Lands, and believed that they had Votes.

Then the Council for Mr. Thompson proceeded to made good the Votes excepted to by the Petitioner.

Stephen Locker prov'd a Deed of Conveyance to Mr. Firmin, made between Robert Smithier and Thomas Firmin, and said he was a witness to the written Receipt for the Purchase-money, but saw no money paid; and said, he liv'd with Sir Robert Clayton at the Execution of the Deed, which was at London.

Thomas Burton and Thomas Martingale said, that Dean Monteth had voted 2 or 3 times; and that Mr. Kendrick, Mr. Keck, Mr. Nash and Mr. Lightfoot had voted at former Elections. And

Locker prov'd Lightfoot's Deed of Conveyance. And

Burton and Martingale also said, that John Wise, William Clayton, Samuel James and Thomas Burton had voted at former Elections. And a Fine was prov'd, levy'd by Samuel James. And

That Wood or Saxby one of them had a Vote:

That then the Sitting Member proceeded to the Exceptions to the Petitioner's Votes, and called

Thomas Chapman and *John Beane*, who said, that *William Partridge* kept the Free-School, and voted for the School-House, which they did not know had been done before.

John Beane said, *Richard Wright* declared in his hearing that *Mr. Evelyn* would sell him a piece of Land to vote for him. And

Richard Wright said, he had bought a Burgage-House of *Mr. Evelyn* before the Election, and paid 5 s. in part of it.

Henry Bonwick said, that *Peter Hufsey* the Night before the Election said, if he had a Vote, as he had not, he would give one Vote for his Father, but did not know who he should give the other for.

Chapman and *Martingale* said, that *Robert Shallcrofs* had no House to vote for, but voted for *Blechingley-House*, which he hath in Right of his Wife; and that *John Russel*, *William Russel*, *John Life*, *John Symonds*, *Richard Hayes sen.* *Richard Wright*, *Richard Miles*, *Richard Dewy*, *James Samborne*, *John Hugget*, *Thomas Hugget*, *Michael Burgefs*, *Robert Bricklove*, *John Bradshaw*, *Tho. Northey*, *John Jewel*, *Tho. Bromhal*, *Tho. Bromfield*, *William Gregory* had no Houses to vote for.

That they know no *Robert Allen* nor *Edward Habberfield*; and that *John Gregory* was dead.

That on the other side, to justifie several of these Votes, was called

———*Drake*, who proved a Deed of Conveyance to *John Russel* and *William Russel*, dated the 20th of *January* 1678. and *Mr. Drake* said, that *William Russel* had voted before.

William Ball proved a Deed of Conveyance from *Edward Nicholas* to *Edward Habberfield*, dated the 16th of *March*, 1687.

And another Deed of the same Date between *John Glydd* and *Richard Bromhal*.

Another Deed, dated the 26th of *June* 1688. between *John Glydd* and *Thomas Bromfield*.

But *Bromfield's* Deed was objected to, because it was for only part of a Messuage.

Another Deed was proved, dated the 14th of *April* 1691. between *Ralph Drake* and others, to *Richard Jewel* and *John Jewel*, of all those Messuages, called the *Green Dragon*, known by the Name of *The Shops*. And

Richard Jewel prov'd Fourscore and Ten Pounds paid on that Conveyance.

John Russel prov'd a Conveyance between *Grisbroke* and *Thomas Hugget* of *Widow Tutchin's* House; and the Constitution-money was paid.

William Grisbroke said, he gave his Son *John Grisbroke* a Burgage-House of 40 s. a Year, and made a Conveyance to him.

John Russel said, that the Schoolmaster's House is a Burgage, and that the Schoolmaster has voted formerly.

Richard Jewel said, that *Blechingley-House* stands near the middle of the Burrough, and in Writings 'tis reckon'd two Burgage-Tenures, and believes one *Cooper* voted for for it in *King James's* time.

Richard Haynes jun. said, that *Richard Hays* the Elder has a House in the Burrough, and paid 20 s. for it; and that he told it him about the 10th of *September*, and that he votes for another himself.

William Life proved a Conveyance, dated the 10th of *September* 1695. between *Richard Hays jun.* and *Richard Hays sen.*

That it was insisted on behalf of the Sitting-Member,

That he had Witnesses to make good the Exceptions taken to several Votes endeavoured to be justified by the Petitioner; and particularly to prove some of the Deeds to be made in Trust.

But the Committee were of Opinion, that if the Sitting Member had had such Evidence, it ought to have been offer'd when he first made his Objections against those Voices.

And that upon the whole matter, the Committee came to the following Resolutions,

1. " That *Maurice Thompson Esq;* is not duly Elected a Burgefs to serve in this present Parliament for the said Burrough of *Blechingley* in the County of *Surrey*.

2. " That *George Evelyn Esq;* is duly Elected a Burgefs to serve in this present Parliament for the said Burrough of *Blechingley*.

The First Resolution being read a second time.

Resolved by the House, That the Consideration of the Merits of the Election for the Burrough of *Bletchingley* be recommitted.

Ordered, That the Merits of the Election be heard by the Committee of Privileges and Elections upon *Tuesday* next in the afternoon.

Ordered, That the Committee do then hear the Evidence on both sides, not already heard. But then,

Die Jovis 13 Februarii 1695. The Merits of the said Election was ordered to be heard the *Tuesday* following. And accordingly,

Die Martis 19 Februarii 1695. Coll. *Granville* further Reported the said Election, viz.

That the Committee, upon the Recommitment of the Consideration of the Merits of the Election for the said Burrough have heard the Evidence on both sides, not before heard, according to the Instruction given them upon the Recommitment.

And to Answer the Evidence given by Mr. *Drake* to justify the Votes of *John Russel* and *William Russel*, which *Drake* prov'd a Deed of Conveyance to *John Russel* and *William Russel*, dated the 20th of *January 1688*.

For the fitting Members were called

— *Blake*, who said, he lived in the House supposed to be *John Russel's*, but paid his Rent to his Father till the half Year ended at last *Michaelmas*; and he said, *John Russel* brought in *Shaw* before *Michaelmas* to repair his House, and had voted before.

William Withers said, he had lived in the House owned by *William Russel*, but his Father *John Russel* received the Rent, and particularly the Rent due at last *Michaelmas*, and that he paid the Rent to his Father in his own Right; but said, that *William Russel* four Years ago did say the House was his.

As to *Edward Habberfield*, whose Tenant was *Bennet*, they called

Jeremiah Bennet, who said, he paid his Rent to Esq; *Evelyn*; and never heard that Mr. *Habberfield* was his Landlord.

As to *Richard Jewel* and *John Jewel*, to whom it was proved there was a Conveyance of all those Messuages called the *Green Dragon*, known by the Name of *The Shops*. They called

Thomas Burton, who said, it was anciently but one Vote.

That as to *Thomas Hugget's* House, he never knew it have any Vote before; that *Grisbroke* had it many Years, and never voted for it; but said *Grisbroke* had another House at the same time.

That *John Grisbroke* was a Minor, and proved it by a Copy of the Register that he was baptized the 11th of *August 1675*.

William Miles and *William Gourd* said, *Bletchingley* House was a Customary House, and Customary Houses had no Vote; and that *Nicholas Cooper* did not vote for it, as was testified by *Jewel*, but was turned back; and named his own and other Customary Houses in the Burrough that had no Votes.

That *Burton* said, *Richard Hayes sen.* had but one House that formerly voted; that the House the old Man bought was upon the Upland, and had no Vote. But he further said, that *Richard Hayes jun.* his House had been made into two Tenements near twenty Years; and though they were under one Roof, they had two Doors to the Street.

The Petitioners called only one Witness, viz.

John Russel sen. who said, that he accounted for the Rent he received of *William Withers* to his Son *William Russel*; and both his Sons had voted several Years, and five or six Years for Sir *Robert Clayton*.

And also the former Report was read, and the Question being put, That *Maurice Thompson Esq;* is duly Elected a Burgess to serve in this present Parliament for the said Burrough of *Bletchingley* in the County of *Surrey*.

The House divided. The Yea's go forth:

Tellers	{	<i>Sir Walter Young</i>	{	Yea's 161.	{	<i>Sir Henry Goff</i>	{	No's 131.
		<i>Mr. Chadwick</i>				<i>Mr. Bromley</i>		

So it was Resolved in the Affirmative.

Burgus de Bodmin in Com' CORNWALL.

1693. **D**IE Martis 7 Novembris 1693. being the 5th Session of the fix Years Parliament. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess for the said Burrough in the room of Sir John Cutler, Knight and Baronet, deceased.

Burgus de Boston in Com' LINCOLN.

27. E. 3. *Amongst the Parliament Writs of 27 E 3. There is one for this Burrough which runs thus. Edwardus Dei gratia, &c. Ballivis Villæ de Sancto Botolpho, &c. Vobis præcipimus firmiter injungentes, quod duos Burgenses de pro-
veſterioribus & discretioribus, & magis Expertis Burgensibus Villæ prædictæ de
Assensu ejusdem Villæ, sine dilatione Eligi & ad Diem & Locum prædictos Veniri
faciatis. Ita quod iisdem Burgenses pro se, & Comunitate Villæ prædictæ suffi-
cientem Potestatem habeat ad Traſtandum Consulendum & Conſentiendum
hiis, &c.*
*The Return Endors'd thus. Retorn. Johannis de Morris & Richardi de Rede, Bal-
livorum Villæ de Sancto Botolpho, naming 2 Burgesses with 2 Manucaptors each.*
*And Note, No other Returns are to be found of this Burrough, during the time of
E. 3. R. 2. H. 4. H. 5. H. 6. & E. 4.*

1628. **D**IE Jovis 8 Maii, 4 Car. 1. 1628. Mr. Hackwill reported from the Committee
4. Car. 1. of Privileges to whom it was referr'd, to consider the Case of the Election for
the said Burrough wherein Sir Anthony Irby was Petitioner, against the Return of
Mr. Bellingham the Recorder and Mr. Okeley.

That the Question was, Whether the Right of Election was in a select Number, or
in the Commonalty at large? And that it appeared Sir Anthony Irby was chosen by a
Majority of Voices of the Commonalty, but had only 14 of the select Number.

- Note. And 'twas agreed by the Committee, That the Election of Burgesses in all Bur-
roughs did of common Right belong to the Commoners: And that nothing could
take it from them but a Prescription, and a constant Usage beyond all Memory to
the contrary.

And thereupon it was on the Question resolved by the House,

1. " That the Right of Election for Burgesses to serve in Parliament for the said
" Burrough of Boston resteth in the Commonalty, and not in the Mayor, Aldermen,
" and Common Council.
2. " That Mr. Okeley is not duly elected, or returned to serve in this Parliament
" for the said Burrough of Boston.
3. " That Sir Anthony Irby is duly elected, and ought to have been returned to
" serve in this Parliament for the said Burrough.
4. " That the Mayor of Boston be sent for to put out Mr. Okeley's Name, and to
" insert the Name of Sir Anthony Irby.

1679. *Die Mercurii 7 Maii 1679. Ordered, That Mr. Speaker do issue his Warrant to
the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve for
the said Burrough in the room of Mr. Serjeant Ellis, now made a Judge in his Ma-
jesty's Court of Common Pleas at Westminster.*

1690. *Die Lune 12 Aprilis 1690. Ordered, That Mr. Speaker issue his Warrant to the
Clerk of the Crown, to make out a new Writ for electing a Burgess to serve for the
said Burrough in the room of the Lord Willoughby of Eresby, called up to the House
of Lords.*

who told him, that he should be releas'd of 38 s. Rent; and accordingly was discharg'd of it.

That *John Morgan* was fined 20 s. and *Owen Morgan* told him, he would discharge him if he would vote for *Mr. Jones*.

That *David Beavan* had 4 s. to buy him a pair of Shoes to vote for *Mr. Jones*.

That *John Watkins* was promised a Gray Coat and an Horse.

That one scrupled to swear, and *Jenkin* bid him swear like a Man; and then he took his Oath.

And the Petitioner did insist, that he could disqualifie several of the Voters for the fitting Member; but in regard of the former Resolutions of the House, the Committee did not think fit to hear him to the same.

For the fitting Member it was insisted, That the Election was carry'd on with all fairness. And called

Mr. Harry Williams and *Mr. Daniel Winter*, who said, that there was an Agreement between the Candidates, and they cast Lots which Hundred should be polled first; and it came to *Mr. Jones's* Lot to choose the first Hundred.

That the Qualifications of the Electors were settled; and amongst the rest it was agreed, that those that had Leases for Lives, and Quakers that could make out their Estates, should vote.

That before the County was dismiss'd, the Sheriff asked if they had any more Votes; and that *Mr. Daniel Williams* called several, but they did not appear: Whereupon, at the Request of *Mr. Mansel* who appeared for the Petitioner, the Sheriff dismiss'd the Country. And

That the Sheriff did say, he was offer'd 100 l. to make a double Return.

Mr. William Williams said, that the Sheriff asked if there were any more to poll for *Sir Rowland Gwyn*, and none appearing, he adjourned to take an account of the poll.

That *Ben. James* asked him how the Election went, and said 100 l. for 100 Voices for *Sir Rowland Gwyn*.

Mr. Godfry Harcourt deny'd, that he threaten'd *Hughes*; and said, that he only desir'd him to vote for *Mr. Jones*, being his Neighbour.

Edward Hughes deny'd that *Mr. Jefferies* ever threaten'd him in case he did not vote for *Mr. Jones*.

The fitting Member insisted, he could disqualifie several of the Petitioner's Voters: But in regard of the former Resolution of the House, he did not think fit to proceed in that matter. See the said Resolution, Com' Surrey.

And that upon the whole matter the Committee came to this Resolution, viz.

Resolved by the Committee as their Opinion, "That *Edward Jones Esq;* is duly Elected a Knight to serve in this present Parliament for the said County of Brecon.

And the said Resolution being Read a second time, was on the Question put thereunto, agreed unto by the House.

1696. Die Luna 4 Januarii 1696. Ordered, That *Mr. Speaker* do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the said County, in the room of *Edward Jones Esq;* deceased.

1698. Die Veneris 16 Decembris 1698. *Sir Rowland Gwyn* being Elected to serve in this present Parliament, as a Knight for the said County, and also a Burgess for the Burrough of *Bereafston* in the County of *Devon*, made his Election to serve for the said County of *Brecon*; and a new Writ order'd for a new Election for the Burrough of *Bereafston*.

1700. Die Sabbati 15 Feb. 1700. *Sir Rowland Gwyn* being Elected a Knight of the Shire for the said County of *Brecon*, and also a Burgess for the Burrough of *Bereafston*, made his Election to serve for the County of *Brecon*; and a new Writ order'd for *Bereafston*.

Villa de Brecon.

1678. DIE Mercurii 19 Martii 1678. A Petition of *Thomas Mansel Esq;* complaining of several undue Practices used by the Bailiff of the Burrough of *Brecon*, in Electing and Returning *John Jefferies Esq;* to serve in this present Parliament, as a Burgess

Burgess for the Burrough aforesaid, in Injury of the Petitioner, who was duly Elected, and is Returned by the other Indenture affixed to the *Writ*, and filed in the Crown-Office; was read, and referred to the Committee of Elections.

Die Martis 1 Aprilis 1679. Sir Thomas Meers Reports from the Committee, that Report. the Committee had taken into Consideration the Matter of the Return for the Burrough of Brecon, and agreed upon a Report, which he read, &c. viz.

That to the *Writ* for Brecon there is affixed,

1. An Indenture, dated the 28th of February last, made between Richard Jones and Lancelot Harbert, Aldermen of the Burrough of Brecon, and many other Burgesses of the said Burrough, of the one part; and Thomas Bulcot, Sheriff of the said County, of the other part: Witnessing, That by virtue of a Mandate to the Bailiff of the said Burrough directed, the said Aldermen and Burgesses had chosen Thomas Mansel Esq; Burgess for the said Burrough; in witness whereof the said Aldermen and Burgesses had set their Hands and Seals. And accordingly there is set the Hands and Seals of the said Aldermen, and a Multitude of others. But the Bailiff is neither party to the Indenture, nor his Hand and Seal to it.

2. There is another Indenture affixed to it, dated the same Day, made between the said Sheriff of the County of Brecon, of the one part; and John Waters Esq; Bailiff of the said Burrough, of the other part: Witnessing, That the said Bailiff, with the whole Assent and Consent of the rest of the Burgesses there, by virtue of a Warrant of the said Sheriff to the said Bailiff directed, hath made Choice and Election of John Jefferies Esq; to be Burgess for the said Burrough; in witness whereof the said Bailiff and Burgesses have set not only the Common Seal of the said Burrough, but also their own Hands and Seals. And accordingly there is a Broad Seal affixed to it, and is subscribed John Waters Bailiff, and many other Hands and Seals are also set thereunto.

Resolved, as the Opinion of the said Committee, That the Indenture wherein John Jefferies Esq; is Returned to serve in this Parliament for the Burrough of Brecon, is well and duly Returned to serve in this Parliament for the said Burrough.

Resolved, That this House doth agree with the Committee, That the Indenture wherein John Jefferies Esq; is Returned to serve in this Parliament for the Burrough of Brecon, is well and duly Returned, and by the proper Officer; and that thereupon he ought to sit as well and duly Returned to serve in this Parliament for the said Burrough of Brecon.

Die Sabbati 5 Aprilis 1690. A Petition of Charles Morgan Esq; setting forth, That he was duly Elected to serve in this present Parliament for the Town of Brecon by the majority of qualified Voices; nevertheless by several ill Practices Jeffry Jefferies Esq; procured several Voices, and thereby obtained to be Returned, in prejudice to the Petitioner, and praying the Consideration of the House, &c. Read and referred. 1690.

Die Veneris 16 Decembris 1698. A Petition of Jeffry Jefferies Esq; setting forth, That the Petitioner had the majority of legal Voices at the last Election of a Burgess to serve in this present Parliament for the said Burrough of Brecon, and many illegal Practices were then used in behalf of Thomas Morgan Esq; particularly by the Sheriff of Brecon, who acted very partially against the Petitioner, and returned the said Mr. Morgan, in wrong to the Petitioner; and praying Relief in the Premises; was read and referred. 1698.

Die Lune 25 Novembris 1699. The said Sir Jeffry Jefferies (being now Knighted) renews his Petition for the said Burrough, *ut supra*, which was also read and referred. 1699.

Die Martis 5 Martii 1699. Ordered, That the Reports from the Committee of Privileges and Elections, touching the Complaint of a Breach of Privilege against Christopher Lyster Esq; and touching the Election for the Burrough of Brecon, and touching the Matter of the Petition relating to Sir Thomas Grosvenor, &c. be made upon Monday morning next. But,

Die Lune 11 Martii 1699. The Reports of the said several particulars were ordered to be made upon Thursday morning next. But I find no Report of any Election for the said Town of Brecon this Session.

Burgus de Brackley in Com' NORTHAMPTON.

1691. **D**IE Jovis 24 Decembris 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgeſſ to ſerve in this preſent Parliament for the ſaid Burrough of *Brackley*, in the Room of *Sir William Egerton*, deceased.
1698. *Die Sabbati 17 Decembris 1698.* A Petition of *Harry Mordaunt*, Eſq; ſetting forth, that at the late Election of Burgeſſes to ſerve in this preſent Parliament for the ſaid Burrough of *Brackley*, in the County of *Northampton*. The Petitioner, together with *Charles Eggerton*, Eſq; and *Sir John Aubrey*, ſtood Candidates; that *Sir John Aubrey* by Contracts, Bribes, and other illegal Practices, hath procured himſelf to be returned to ſerve for the ſaid Burrough in wrong to the Petitioner; and praying the Houſe to take the Premiſſes into Conſideration, was read and referr'd.

Burgus de Bramber in Com' SUSSEX.

1690. **D**IE Martis 1 Aprilis 1690. A Petition of *William Stringer*, Eſq; ſetting forth, That on the 11th of *February* laſt he was duly elected for the ſaid Burrough of *Bramber*: But *Dr. Barbone* and *Dr. Ratcliff*, by Practices and undue Means, procured themſelves to be return'd; and praying the Conſideration of the Houſe and Relief in the Premiſſes, was read and referr'd. And
1690. *Die Sabbati 11 Octobris.* In the following Session Mr. *Stringer* again petitions, that on the 4th of *March* laſt the Petitioner *Dr. Barbone* and *Dr. Ratcliff* ſtood Candidates at the Election for the ſaid Burrough of *Bramber*; but that *Dr. Barbone* and *Dr. Ratcliff* by undue Practices procured themſelves to be returned in Injury to the Petitioner, was read and referr'd.
1698. *Die Lune 12 Decembris 1698.* A Petition of *John Hudſon* and *Ferome Beale*, Burgeſſes of the ſaid Burrough of *Bramber* in the County of *Suſſex*, on behalf of themſelves and others; ſetting forth, that the Election of Burgeſſes to ſerve in this preſent Parliament for the ſaid Burrough, was on the 25th Day of *July* laſt; and that *Sir Henry Furneſe* by Bribery and other indiret Means, did procure himſelf to be return'd one of the Burgeſſes for the ſaid Burrough in wrong to the Petitioners; and praying ſuch Relief therein as the Houſe ſhall in Juſtice think fit, was read and referr'd.
- Die Lune 13 Februarii 1698.* The Houſe taking Notice from the Report of a Committee, that *Sir Henry Furneſe* a Member for *Bramber*, had, ſince his being a Member of the Houſe contrary to the Act for Reſtraining the Number of Officers fitting in the Houſe, acted as a Collector or Manager of the Excife.
- Ordered, That the ſaid *Sir Henry Furneſe* do attend this Houſe to Morrow Morning.
- Die Martis 14 Februarii 1698.* *Sir Henry Furneſe* attending (according to Order) he was heard in his place; and then withdrew.
- Resolved, That *Sir H. Furneſe* being a Member of the Houſe of Commons, and having ſince been concern'd and acted as a Collector and Manager upon the Act made in the 9th and 10th Years of his Maſteſty's Reign, for raiſing a Sum not exceeding 200000*l.* upon a Fund for Payment of Annuities after the rate of 8*l.* per Cent. per Annum, and for ſettling the Trade to the *East Indies*, contrary to the Act made in the 5th and 6th Years of his Maſteſty's Reign, for granting ſeveral Duties upon Salt, Beer, Ale, and other Liquors, be expell'd the Houſe. And
- Vide Sand-
wich in
1700. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgeſſ to ſerve in this preſent Parliament for the ſaid Burrough of *Bramber*, in the room of *Sir H. Furneſe*, expell'd this Houſe.
1700. *Die Martis 25 Februarii 1700.* A Petition of *John Aſgill*, Eſq; was preſented and read; complaining of an undue Election and Return for the ſaid Burrough, and referr'd to the Committee. Die

Die Martis 4 Martii 1700. Coll. *Stringer* reported from the Committee appointed to examine into the Matter of a Letter wrote down to *Bramber*, to endeavour to corrupt the said Burrough in the late Election of Members to Parliament there, That he was directed to move the House, that they may have power to enquire into any other Letters sent to the said Burrough of the same Nature. And

Ordered, That the Committee have such a Power.

Die Jovis 6 Martii 1700. *Thomas Stringer*, Esq; being chosen a Burgefs for the Burrough of *Clitheroe*; and also a Burgefs for the said Burrough of *Bramber*, made his Election to serve for *Clitheroe*. And

Ordered, As usual, a new Writ for electing another Burgefs for the said Burrough of *Bramber*, in his room.

Die Mercurii 12 Martii 1700. Mr. *Stringer* reported from the Committee, to whom it was referred, to examine into the Matter of the Letter abovementioned, that they had examin'd into the said Matter accordingly, and had directed him to report the same; which he accordingly did.

Resolved, That it appears to this House, that there hath been many indirect and corrupt Practices in order to procure an Election at the said Burrough: And it also appears, that there hath been Endeavours and Tampering with Witnesses in Relation to the Evidence to be given concerning the corrupting the Electors for the said Burrough.

The House being informed, that Mr. *Lawton* (named in the said Report) was at the Door, and desired to be heard concerning the Matter that was charged upon him. He was by Order of the House called in, and at the Bar acquainted with what was charged upon him in the said Report. To which he was heard, and then withdrew.

Resolved, That it appears, that Mr. *Lawton* is guilty of Tampering with Witnesses, and endeavouring to suppress the Evidence to be given concerning the corrupting the Electors for the said Burrough; and order'd for the said Offence to be taken into Custody of the Serjeant.

Ordered, That Mr. *Dalby Thomas* and Mr. *Milman* (both named in the said Report) be summoned to attend this House to Morrow Morning.

Resolved, That it appears, that Mr. *Alexander Cutting* hath endeavour'd by Bribes and other indirect Practices, to corrupt the Electors for the said Burrough; and order'd for the said Offence into Custody of the Serjeant at Arms.

Ordered, That the said Report be taken into further Consideration to Morrow Morning.

Ordered, That *Samuel Sheppard*, Senior, and *Samuel Sheppard*, Junior, Esquires; *Joseph Martyn*, Esq; do attend this House in their places to Morrow Morning. Vide Andover.

Die Jovis 13 Martii 1700. The House proceeded to take into further Consideration the Report touching the before mentioned Letter: And Mr. *Stringer* acquainted the House, that since the Report made there was come to his hands the Original Letter, a Copy whereof is mentioned in the Report, and he delivered it in at the Table, where it was read.

And Mr. *Samuel Sheppard*, Senior, and Mr. *Samuel Sheppard*, Junior, and Mr. *Francis Sheppard*, and Mr. *Martyn* attending in their places, the Report was again read; and they were heard thereupon.

And Mr. *Milman* was several times called in and examined, and withdrew; and so was one Mr. *Holland*.

And Mr. *Dalby Thomas* was called in, examin'd, and heard (as to the Charge against him) and withdrew.

Then Mr. *Milman* and Mr. *Thomas* were called in together and heard, and withdrew.

After which Mr. *Samuel Sheppard*, Senior, was heard in his place, and then withdrew.

Resolved, "That it appears, that *Samuel Sheppard*, Senior, Esq; is guilty of several unwarrantable and indirect Practices, in order to obtain an Election of a Member to serve in this Parliament for the said Burrough.

Resolved, "That *Samuel Sheppard*, Senior, Esq; is guilty of sending out of the way a Witness, and endeavouring to suppress Evidence touching Matters under the Examination of this House.

Ordered, That the said Mr. *Sheppard* do attend this House in his Place to Morrow Morning: And that Mr. *Richard Sherwood*, Mr. *Peter Bolton*, and Mr. *Perkins* of *Foster Lane*, do then attend this House with his Books of Account. *Vide Wotton Bassett*. 14 Martii 1700. And *Vide Andover ante*.

Burgus de Bridport in Com' Dorset.

17 E. 4. In the 17th of E. 4. the Return for this Burrough runs thus: Ballivi & Burgenfes de Bridport per assensum & consensum totius Burgi comunitatis elegerunt Tho. Neuburg & Rob. Hill duos Burgenfes, &c.

1628. DIE Sabbati 12 Aprilis 4 Car. 1. 1628. On Mr. Hackwill's Report from the Committee of Privileges; the Question before the Committee was, Whether the Commons at large, or the 2 Bailiffs and 13 Capital Burgesfes, are the Electors for the said Burrough of Bridport.

The Bailiff and Capital Burgesfes claimed the sole power by Prescription; and prov'd by two Witnesfes that they had enjoy'd it for 46 Years past, and that they claimed it 1 Jacobi, but were deny'd. And produced a Certificate of Disclaimer under the hand of 80 Commoners, offering to justifie it upon Oath, and affirmed they could have prov'd it by 40 Commoners more.

On the other part several Records were produced, viz.

6 E. 6. The Indenture returned the Election to be per Ballivos per assensum Comunitatis.

2, 3 Ph. Mar. Agrees therewith. And

1 Eliz. Accordeth. And

1 Jacobi Accordeth.

And proved by two Witnesfes, that above 40 Commoners gave Voices 1 Jacobi; and another Witnesf prov'd, that above 60 Years ago the Commoners had Voices, and that himself being then a Commoner, gave his Voice.

Hereto it was reply'd, That the addition of the Commonalty was, because that is the Name of the Corporation, tho' never intended thereby that the Commoners should vote; and that by their Charter the *Communitas* are to make Leafes, &c. yet the Commoners never meddle therein.

And excepted to one of the Witnesfes, that he was a Commoner, and so very Aged, that he could scarce hear or be heard; and that the others have been disfranchised, and therefore spake out of Spleen.

But 'twas alledg'd, *è contra*, That *primo Jacobi* the Commoners were called to Elections, because they were to contribute towards Wages.

And agreed by the major part of the Committee, that the Commoners had Voices in Elections; and that here was no good Elections, because the Commoners having Right of Voice, had no Warning as they ought to have had.

And the House upon the Question resolved,

1. "That the Commonalty in general ought to have Voices in the Election of Burgesfes for Parliament.

2. "That it is a void Election, in respect of the want of Warning to the Commonalty. And

Ordered, That a new Writ do issue for a new Election for the said Burrough.

1689. Die Lune 24 Martii 1689. A Petition of the principal Inhabitants of the said Burrough, that the Bailiff having the Custody of the Precept, did on the 27th of February last give notice, and on the next day proceeded to the Election; and without regard to the ancient Custom of the Burrough, polled as Electors several Persons not Inhabitants, and others who are Inhabitants and no Householders, and also others who receive Alms, in violation of their antient Custom; and thereupon have returned John Mitchell and Stephen Evans Esquires, as duly elected: Notwithstanding the said John Mitchell and John Manley sen. were elected by a majority of qualified Votes; and praying a short Day to have such their Complaint heard at the Bar of the House, and that their ancient Privileges may be continued: Read and referred.

Also a Petition of John Manley sen. Esq; That the Petitioner and John Mitchell Esq; were duly elected for the said Burrough, by a majority of the Inhabitants thereof; yet the Bailiff hath unjustly returned the said Mr. Mitchell and Stephen Evans Esq; to serve in this present Parliament for the said Burrough: Read and referred.

1690. Die Lune 6 Octobris, in the second Session of that Parliament, The said Mr. Manley renews his Petition, viz. That he with John Mitchell Esq; were duly elected for the said

said Burrough and Town of *Bridport*; yet the Bailiff returned *Stephen Evans* Esq; instead and injury of the Petitioner, &c. Read and referred.

Die Luna 22 Decembris 1690. Mr. Gray Reports from the Committee of Privileges and Elections the matter touching the said Burrough of *Bridport*, referred to them upon the Petition of *John Manley* sen. against the Return of *Sir Stephen Evans* Knight, viz.

That it appeared to the Committee, that the Numbers on the Poll were,

For Mr. *Manley* ————— 160

For *Sir Stephen Evans* ————— 149.

But that the Question was, Whether the Petitioner or the sitting Member had the majority of qualified Votes: And that on examining the Exceptions on both sides, the Committee came to a Resolution, which he read in his place, and afterwards delivered in at the Table, where the same was again read, and upon the Question agreed unto by the House, and is as follows, viz.

Resolved, That *Sir Stephen Evans* is duly Elected a Burgess to serve in this present Parliament for the said Burrough of *Bridport*.

Die Jovis 5 Decembris 1695. A Petition of Major *John Manley*, setting forth, That the Petitioner was duly elected one of the Burgesses to serve in this present Parliament for the said Burrough; but that the Bailiffs of the said Burrough having rejected many of the legal Voters for the Petitioner, and admitted divers unqualified Persons to vote for *Nicholas Carey* Esq; hath wrongfully returned the said Mr. *Carey*, in prejudice of the Petitioner; and praying that the House will take the Premises into Consideration, so as the Petitioner may have Relief therein; was read and referred. 1695.

Die Veneris 3 Decembris 1697. Ordered, That Mr. Speaker do issue out his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgess to serve for the said Burrough, in the room of *Nicholas Carey* Esq; deceased. 1697.

Burgus de Bridgenorth in Com' SALOP.

Die Veneris 22 Martii 1678. A Petition of *John Woolrich*, complaining of undue Practices in the Election of *Sir Tho. Whitmore* Knight of the Bath, and *Sir William Whitmore* Baronet, as Burgesses to serve in this present Parliament for the Burrough of *Bruges* alias *Bridgenorth*, was read and referred. But nothing more done thereon this Parliament. 1678.

Die Mercurii 14 Decembris 1698. A Petition of *Roger Pope* Esq, setting forth, That the Petitioner stood a Candidate at the last Election for the said Burrough of *Bridgenorth*, and ought to have been returned a Burgess to serve in this present Parliament for the said Burrough: But *Sir Edward Alton*, by corrupt and undue Practices at the said Election, procured himself to be returned, in wrong to the Petitioner, and praying relief therein; was read and referred. 1698.

Burgus de Bridgewater in Com' SOMERSET.

A Charter was granted to this Burrough in the 2d Year of King John, which runs thus: Sciatis nos dedisse & concessisse, &c. dilecto & fideli nostro W. Briwer, quod *Bruge Walteri* sit liberum Burgum, & quod ibi sit liberum Mercatum, & una Feria singulis Annis per octo dies duratur scilicet a die Nativitatis beati Johannis in octo dies, cum Theloneo, Paagio, Pontagio, Passagio, Lestagio, Stallagio, & cum omnibus aliis Libertatibus & Liberis Consuetudinibus ad Liberum Burgum, & ad Mercatum & Feriam pertinentibus. Concessimus etiam predicto Willielmo, quod predicti Burgenses sui de predicto Burgo sint liberi Burgenses, & sint quieti de Theloneo, &c. *supra*. Et habeant omnes Libertates & Liberas Consuetudines

Charta 2 Joh. han. pars. 2 N^o 132.

& quietancias quæ ad nos pertinent per totam Terram nostram, & per omnes Portus Terræ nostræ, Excepta Civitate London. Quare volumus & firmiter præcipimus Quod prædictus Willielmus & hæredes sui post ipsum habeant & teneant omnia prædicta bene & in pace, libere & quiete integre, &c. Testibus W. Mareschallo Comite de Penbroc, R. Comite Cestrie, W. Comite Sarum, W. de Rupibus Seneschallo Andegaviæ, &c. Data per Manus S. Wellens Archidiaconi Glocestrie apud Turon 26 Junii Anno Regni nostri secundo.

12. & 17.
E. 4.

The Indentures of Return for this Burrough in the 12 & 17 E. 4. runs thus, viz. Hæc Indentura, &c. Testatur, Quod Burgenfes Burgi de Bridgewater unanimi assensu Elegerunt (naming 2 Burgesfes) pro Burgenfibus dicti Burgi ad effend. ad Parliamentum.

1678. **D**IE Jovis 20 Martii 1678. A Petition of *Ralph Stawel*, Esq; complaining of an undue Return of *Sir Francis Rolls* to serve in this Parliament as Burgesf for the said Burrough in Injury of the Petitioner, who was duly elected, and ought to have been returned, was read and referred.

Die Veneris 21 Martii 1678. Ordered, That the Matter touching the Return for the Burrough of *Bridgewater* referred to the Committee of Elections, be the first Cause that be heard; and that it be heard before the Committee this Afternoon.

Die Jovis 27 Martii 1679. A Petition of *Sir Francis Rolls*, Baronet, complaining of undue Practices in the electing and returning of Coll. *Ralph Stawel* to serve in this Parliament for the said Burrough, was also read and referred.

Die Veneris 28 Martii 1679. See another Petition of *Ralph Stawel*, Esq; praying that the Merits of the Cause may be heard at the same time with the Matter of the Return for the said Burrough, read and referred, &c.

1679. *Die Sabbati 29 Martii 1679.* The House being informed, that *Sir Halfwell Tynt*, Baronet, is returned to serve in this Parliament for the said Burrough by two Indentures, and that he ought to fit.

Ordered, That it be referred to the Committee of Elections and Privileges, to examine the Matter of the said Return the first Business, and report the same with their Opinions therein to the House.

Report. *Die Martis 1 Aprilis 1679.* *Sir Thomas Meers* reports from the said Committee, that they had taken into Consideration the Matter of the Return for the Burrough of *Bridgewater*, and had agreed upon a Report; which he read in his place, &c. and is as followeth, viz.

That by the said Return it appears, that *Sir Halfwell Tynt* is return'd in an Indenture affixed to the Writ with *Sir Francis Rolls* under a Seal of the Burrough of *Bridgewater*, and the Mayor's hand also to it; and that there was also produced to the Committee another Indenture, wherein *Sir Halfwell Tynt* is returned singly as one of the Burgesfes of the said Burrough, under a larger common Seal of the said Burrough.

And *Mr. William Harbord* a Member of the House in his place declared, that the same Day this Parliament began, which was the 6th of *March* last, *Sir Halfwell Tynt* came to him and shewed him the last mentioned Indenture. And that thereupon he and *Sir Halfwell Tynt* went to the Sheriff to desire him to affix it to the Writ, which he was very willing to do; but said, that he had carry'd in all the Returns of that County to the Clerk of the Crown, and therefore could not affix it himself: But went with *Mr. Harbord* and *Sir Halfwell Tynt* to the Clerk of the Crown to *Westminster*, and desired him to affix it; which the Clerk of the Crown refused to do, saying, he had already made out his Book of Returns, and could not then accept this Indenture.

But the Committee being satisfied, that *Sir Halfwell Tynt* was elected both by the select Number of *Capital Burgesfes*, and also by the *Popularity*; and that the Petitioners, who complain of the said Election do admit him to be duly elected.

Resolved as their Opinion, " That the Clerk of the Crown shall affix the Indenture, wherein *Sir Halfwell Tynt* is singly return'd, to the Writ for the County of *Somerset*; and that *Sir Halfwell Tynt* ought thereupon to fit as duly returned, to serve in this present Parliament for the said Burrough.

Resolved, That this House do agree with the Committee, That the Clerk of the Crown shall affix the Indenture, wherein *Sir Halfwell Tynt* is singly returned, to the Writ for the County of *Somerset*; and that *Sir Halfwell Tynt* ought thereupon to fit as duly returned, to serve in this present Parliament for the said Burrough.

And the Clerk of the Crown attending was called in, and did affix the Indenture wherein Sir *Halfwell Tynt* is singly return'd for the said Burrough of *Bridgewater*, to the Writ for the County of *Somerset*.

Die Veneris 4 Novembris 1692. (being the 4th Session of this Parliament) was presented a Petition of *John Gardner*, Merchant, complaining of an undue Return of *Robert Balch*, Esq; to serve in Parliament as Member for the said Burrough in Injury to the Petitioner; and praying the Consideration of the House and Relief in the Premises, referred to the Committee, and order'd to report the Matter thereof, with their Opinion therein. 1692.

Die Mercurii 7 Decembris 1692. Ordered, That the Report from the Committee of Elections and Privileges, touching the Election for the said Burrough of *Bridgewater*, be made upon Saturday Morning next at ten a Clock. And accordingly.

Die Sabbati 10 Decembris. Mr. Serjeant *Trenchard* reported from the said Committee the Matter touching the Election for the said Burrough, as it appeared to the said Committee, as follows, viz. Report.

That it was refer'd to the said Committee, upon the Petition of Mr. *John Gardner* against the Return of *Robert Balch*, Esq;.

That the Right of Election was agreed to be in the Inhabitants paying Scot and Lot. And

That upon the Poll { Mr. *Balch* had ——— 84 } Voices.
 { Mr. *Gardner* had ——— 80 }

But at the End of the Poll taken by the Petitioners Clerk there were 7 Voices put down, which tho' not allowed by the Mayor, Mr. *Gardner* insisted were qualified to vote; 6 of which voted for him, and would make the Numbers thus:

For Mr. *Balch* ————— 85
For Mr. *Gardner* ————— 86

That Mr. *Gardner* first proceeded to disqualifie some of Mr. *Balch*'s Voters.

And excepted to *John Trott* as not in the Poor's Book: But it was proved by Mr. *Hoar*, that he had before the Election married one *Roberts* his Widow, who was in the Poor's Book and had an Estate.

And *John Webber*, who appeared to be outlawed (by the Outlawry Book) by Mesne Process, at the Suit of *Dorothy Crofts* for 200*l.* Debt ever since *Trin. 2. Jac. 2.* but it was said, that the Debt was paid, and he was pardoned by the General Pardon.

Mr. *William Coleman* said, that *William Symonds* that polled for Mr. *Balch* was rated only for an Estate that was his Sister's, and order'd by the Mayor to be struck out; but Mr. *Bicknell* said, that he was possess'd lately of an Estate by Administration of the Goods of one *Robert Symonds*, deceased.

Mr. *Coleman* also said, that *Edmond Raymond*, another of Mr. *Balch*'s Voters, had no Estate, and was order'd by the Mayor to be struck out of the Poll: But he was shewed to be in the Poor's Book; and Mr. *Hoar* said, tho' he did not live within the Confines of the ancient Burrough, yet he had an Estate within the Corporation, and was rated to the Poor of the Parish of the Burrough.

Exception was also taken to *John Offield*, Junior, who voted for Mr. *Balch*, as having personated his Father; but it appeared by the Testimony of Mr. *Hoar*, that he had the Estate and not his Father.

That Mr. *Chance* said, he had promised Mr. *Gardner* to vote for him, but Mr. *Gardner* owing him some Money for a Reckoning, Mr. *Popham* an Agent for Mr. *Balch* engaged to see him paid, and so prevailed with him to vote for Mr. *Balch*.

On the other side Mr. *Popham* testified, that he was at *Chance*'s House, and asked him if he was engaged for Mr. *Gardner*; he told him he was not, but that Mr. *Gardner*'s People had drank 4*l.* 15*s.* and he was afraid he should lose his Money; and that he only told him that Mr. *Gardner* and his People were liable to pay it, and he would assist him in the getting it.

Mr. *Hoar* testified the same, and that *Chance* had order'd an Attorney to recover the Debt.

Pyme said he had a Vote, but that he met *Joseph Denham* who would not let him alone till he came to Mr. *Balch*'s; and Mr. *Balch* promised him that he should be struck out of the Poor's Book if he staid, and that he would give him a Life in his Tenement, otherwise he had gone and voted for Mr. *Gardner*.

But *Denham* said he met *Pyme* in the Street, and that he told him he was willing to vote for Mr. *Balch*, and desired he might be secured from the Importunities of

of Mr. *Gardner's* People, and thereupon he carry'd him to Mr. *Balch's* House, but he was under no restraint.

And Mr. *Popham* testified also to the same effect, and that at the time of the Election his Tenant was full staved.

Then the Petitioner proceeded to make good the Votes refused by the Mayor; and it appeared that Mr. *John Glas*, that voted for Mr. *Gardner*, and was refused, had two Tenements in the Town; that he paid the King's Taxes, but could not say he paid the Church and Poor; was about 22 Years, an Apprentice, and lived with his Sister.

That Mr. *Coleman* also said, that *William Alloway*, another of Mr. *Gardner's* refused Voters, was a great Merchant in the Burrough, and paid all other Taxes, but could not say he paid to Church and Poor. But Mr. *Hoar* for the Petitioner answered, that one *Gatcomb* that voted for Mr. *Balch* was in the same Circumstances, and both waved by consent.

And Mr. *John Coleman* said, that *John Mills*, another of Mr. *Gardner's* refused Voters, was not upon the Poor's Rate; yet he kept a Shop, and drove a Trade, and had a House of Freehold. And further,

That *Thomas Luffe*, since deceased, had an Estate of 5 or 6 l. a Year, and paid to all Taxes but Church and Poor.

Mr. *Hoar* answered, that *Luffe* was a poor Man, and attended the Masons to get a Livelihood, notwithstanding his Freehold; and that *John Mills* was under Age.

Mr. *Coleman* said, that *Samuel Stroud*, another of Mr. *Gardner's* refused Voters, was on the Poor's Rate.

Mr. *Hoar* answered, that at the time of the Election he declared, that tho' he was upon the Poor's Rate, he had not paid in three Years before, and that he received Alms of the Parish, Anno 1689. and owned that he had sold his Estate to one *Thomas Christopher* three Years before.

Mr. *Coleman* said further, that *Charles Bell* the day before the Election married *Eliz. Seaward*, and was upon the Poor's Rate.

Mr. *Bicknell* answered, he had been to enquire touching the Marriage, and that the Minister told him, he knew what he came for, and he should not see the Book till his Clerk had done something to it.

For the sitting Member was also called,

Richard Stradling, who said, he was at the Election, and had promised Mr. *Balch*, but had seven or eight Messengers from Mr. *Gardner*; and that Mr. *Gardner* had sent him by Mr. *Coleman* 1 s. and 1 s. 6 d. for a Brace of Birds, and had promised him he should make his Bisket, and kept him lock'd up.

Richard Drake said, that he heard *Organ*, one of Mr. *Gardner's* Voters, declare that he could have 5 l. of Mr. *Gardner*, and that he heard Mr. *Gardner* promise him Money when the Election was over. And that Mr. *Gardner* gave one Mr. *Wogy* a Guinea, and desired him to spend it among his Friends. And

Baker said, that after Mr. *Bull's* Election, Mr. *Gardner* said if there was another Election he hoped he would vote for him.

Nathaniel Gilphin said, *Lawr. Bryan* had promised to vote for Mr. *Balch*, but was taken off by Mr. *Gardner's* promising to take his eldest Son.

That *Manchep Plyar* and *Mills* told him, they voted for Mr. *Gardner*, because he had promised to bring their Brothers from beyond Sea.

Mr. *Hoar* said, that *Fremain* (one of Mr. *Gardner's* Voters) his Sister owned the House was hers, and that she paid all Taxes.

That *Horier*, another of his Voters, had no Estate.

But Mr. *Palmer* said, that he was a Butcher, and had a good Trade, and was liable to be rated for that. And

That on the whole matter, the Committee resolved as their Opinion, viz.

"That *Robert Balch* Esq; is duly Elected a Burgess to serve in this present Parliament for the said Burrough of *Bridgewater* in the County of *Somerset*.

To which Resolution the House on the Question agreed.

Die Jovis 16 Novembris 1699. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing another Burgess for the said Burrough of *Bridgewater*, in the room of *Roger Hoar* Esq; deceased.

Civitas Bristol.

In the 33d Year of K. Edward the First was a Petition of the Mayor and Burgeses of Bristol presented to the King in Parliament; which, with the answer thereto, runs thus, viz.

Ad Petitionem Majoris & Burgenfium Bristol, petentium quod Homines qui Tenent Terras & Redditus Magistri & fratrum Templi in Villa Bristol; Tallientur & Contributionem faciant ad Tallagium Regis ejusdem Villæ, cum Burgenfibus ejusdem de ficut ipsi mercantur & aliis Libertatibus & Afiamentis ufi sunt quæ ad dictam villam pertinent, &c.

Ita Responsum est: Distringantur pro Contributionibus & Tallagiis faciendis & fiat Justitia Conquerentibus & super hoc habeatur Breve de Cancellaria, Majori & Ballivis Bristol direct.

The Parliament Writ in the 27th of E. 3. directed to the Mayor and Bailiffs of Bristol, to choose Burgeses for the same, runs thus: Quod duos Burgenes de provectionibus & discretioribus & magis expertis Burgenfibus Villæ prædictæ de assensu ejusdem Villæ, sine dilatione Eligi, & ad Diem & Locum prædicti venire faciat. Ita quod iidem Burgenes pro se & Comunitate Villæ prædictæ. sufficient' Potestatem habeant ad Tractandum, Consulandum, &c.

The Return is, Virtute Brevis Domini Regis presentibus Annex. nos Major & Ballivi Villæ de Bristol de assensu Comunitatis Villæ prædictæ. Elegi fecimus Tho. Babbe-cary & W. Coumbe de essendo ad Diem & Locum infra Bre' content' ad faciend' quod ex parte Domini Regis eis tunc ibidem injungeretur.

Note, It has hereupon been Queried, whether assensus Villæ, and assensu Communitatis Villæ here signifie the same thing: And whether, as the Community of the Town, so the Town it self, the Government of the Town, and the Body Politick, consisted of a select Number. But I refer the Decifion till the House of Commons shall determine the Question.

DIE Luna 24 Martii 1689. A Petition of William Pawlet Serjeant at Law, and Robert Tate of the said City Merchant, complaining, That at the Election of Citizens for the said City on the 24th of February last, divers indirect means were used, and many Persons who had right to vote were prevented voting for the Petitioner, and others admitted for Sir Richard Hart and Sir John Knight who had no right to poll: But notwithstanding, the Sheriffs returned the said Sir Richard Hart and Sir John Knight, in prejudice to the Petitioners; was read and referred. 1689.

Die Luna 24 Novembris 1690. Ordered, That Sir John Knight, a Member of this House, and Mayor of the City of Bristol, have leave to make a Return of a Mandamus directed to him. 1690.

Comitatus de Buckingham.

DIE Luna 12 Februarii 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Knight to serve in this present Parliament for the said County, in the room of Thomas Wharton Esq; now Lord Wharton, called up to the House of Peers. 1695.

Die Mercurii 2 Decembris 1696. The like Order for issuing a new Writ for Electing another Knight to serve for the said County, in the room of Sir Richard Atkins Baronet, deceased. 1696.

Die Jovis 22 Decembris 1698. The Lord Chenie being chosen a Knight of the Shire for the said County of Bucks, and also a Burgess for the Burrough of Agmondesham in the said County, made his Election to serve for the said County of Bucks. And 1698.

Ordered, That a new Writ do issue for Electing another Burgess for the said Burrough of Agmondesham, in the room of the said Lord Chenie, who made his Election to serve for the County of Bucks.

Villa de Buckingham.

Die Mercurii 26 Februarii 1700. The Lord *Chenie* being again chosen a Knight for the said County, and also a Burgess for the said Burrough of *Agmondesham*, made his Election to serve for the said County, and a new Writ ordered for the said Burrough.

Villa de Buckingham.

Riley's Placit. Parl.
fol. 259.
33 E 1.

In Great Doomfday-Book; under the Titile Bochingham scire, are the following Entries, viz.

Bochingham cum Bortone pro una hida se defendebat Tempore Regis Edwardi & modo similiter facit. Terra est 8 Carucat. in Dominico sunt duo & Villani habent 3 Carucat. & 4 Villi. & adhuc duæ & dimid. possunt fieri, ibid. sunt 27 Burgenses, & 11 Bordarii, & 2 Servi. Ibi 1 Molendinum de 14 Pratum 8 Carucat. Pastura ad pecuniam Villæ in *totis valentiis* Tempore Regis E. reddebat 10 l. ad numerum, modo Reddit 16 l. de albo argento. *Note, in totis valentiis is for all Duties.*

Ecclesiam hujus Burgi tenet Remigius Episcopus & Terram 4 Carucat. quæ ad eam pertinet ibi sunt 4 Carucat. & 3 Villani, & 3 Bordar. & 10 Cotar, & 1 Molend. 10 s. Pratum 2 Carucat. Nemus ad sepes valet 6 l. & valuit Tempore Regis E. 7 l. Hanc Ecclesiam tenuit Willielmus Episcopus de Rege Edwardo.

In hoc Burgo Episcopus Constantiensis habet 3 Burgenses quos tenuit *Wluward* filius Eddeve hi reddunt 6 fol. & 6 denar per Annum. Et Regi reddunt 11 denar. *Quere, if this was not* Geltum Regis.

Hugo Comes habet 1 Burgensem qui fuit homo Burchardi de Senelay, hic reddit 26 denar. per Ann. & Regi 5 denar.

Robertus de Olgi habet 1 Burgensem qui fuit homo Azori filius Toti hic reddit 16 denar. per Ann. & Regi 5 denar.

Rogerus de Juri habet 4 Burgenses qui fuerunt homines ejusdem Azori hi reddunt 7 fol. & 6 denar & Regi 13 denar.

Hugo de Bolebec. habet 4 Burgenses qui fuerint homines Alrici hi reddunt 28 denar. & Regi 12 denar.

Manno Brito habet 4 Burgenses qui fuerint homines Eddevæ fem. Syred, hi reddunt 29 denar. Regi nil debent.

Hascioius Musart habet 1 Burgensem, qui fuit homo Azori filius Toti, hic reddit 16 denar. & Regi 2 denar.

Ernulfus de Heding habet 1 Burgensem, qui fuit homo Wilafi hic reddit per Ann. 2 fol. & Regi 3 denar.

Willus de Castellon de Feudo Episcop. Baiocensis habet 2 Burgenses qui fuerunt homines Leuvini Comitis hi reddunt 16 denar; & Regi modo nichil. sed. T. R. E. reddebat 3 denar.

De Feudo Alberici Comitis 1 Burgensis reddit Regi 2 denar.

Leuumus de Newcham habet 5 Burgenses & Tempore Regis Edwardi habuit hi reddunt ei 4 fol. per Ann. & Regi 12 denar.

Hereby it appears, that the Burgeses of Buckingham paid a Yearly Rent to their Patrons or Protectors, and that all these 27 Burgeses were liable to, and under the Protection of foreign Lords and Patrons.

1678.

D*IE Mercurii 19 Martii 1678.* A Petition of Sir Peter Tyrrel Baronet, complaining of an undue Return made by the Bailiff of the Town of *Buckingham* of Sir Richard Temple Baronet, to serve in this Parliament as a Burgess for the Town and Parish of *Buckingham*, in injury of the Petitioner, who was duly elected and returned by the Sheriff of the County of *Buckingham* into the Crown-Office, was read and referred to the Committee.

Report.

Die Veneris 21 Martii 1678. Sir Thomas Meers reported, That the Committee had taken into Consideration the Matter of the Return for *Buckingham*, and had agreed upon a Report thereof to be made to the House, and which he read in his place, and afterwards, &c. and is as followeth, viz.

That the Precept was directed to the Bailiff of the said Burrough of *Buckingham*, to which there is affix'd two Indentures, both dated the 10th of February, Anno 31

Car.

Car. nunc. One whereof is made between the Bailiff and Burgesſes of the Burrough and Pariſh of *Buckingham* of the one part, and *Thomas Egerton*, Eſq; Sheriff of the County aforeſaid of the other part; wherein *Edward*, Viſcount *Latimer*, and Sir *Peter Tyrrel*, Baronet are Return'd, and the Common Seal affix'd thereto. Upon which Indenture is Endorſed thus, *The Common Seal within-mention'd was put to the preſent Indenture, by and with the Conſent of George Carter, Gent. Bailiff for the Time being, and the Major Part of the Principal Inhabitants of Buckingham within-mentioned, in the Preſence of Henry Bridges, Deputy Senefchal.*

The other Indenture is made between the ſame Parties, and therein is Returned, *Edward*, Viſcount *Latimer*, and Sir *Richard Temple*, Knight of the *Bath*, and Baronet; wherein 'tis mentioned, That the Common Seal of the ſaid Town of *Buckingham*, and the Seals of the Bailiffs and Burgesſes are ſet thereto: And to the ſaid Indenture are Seals affixed, but not the Common Seal; and there are ſix Names ſubſcribed thereto; whereof *George Carter*, Bailiff is one, but there is no Indorſement on this Indenture. Whereupon the Committee came to theſe Reſolutions, *viz.*

Resolved, That the Indenture wherein *Edward*, Viſcount *Latimer*, and Sir *Peter Tyrrel* are Return'd to ſerve in this preſent Parliament, as Burgesſes for the Town of *Bucks*, is duly Return'd.

Resolved, That the Indenture wherein *Edward*, Viſcount *Latimer*, and Sir *Richard Temple* are Return'd as Burgesſes to ſerve in this preſent Parliament, for the Town of *Bucks*, is not duly Return'd.

Resolved, That this Houſe doth agree with the Committee in the ſaid Reſolutions; And order'd, That the Clerk of the Crown do attend to morrow Morning, and do take off the File, the Indenture, wherein *Edward*, Viſcount *Latimer*, and Sir *Richard Temple* are Returned to ſerve in Parliament, for the Burrough of *Buckingham*.

Die Sabbati 22 Martii, 1678. The Clerk of the Crown attending, and being called in, did according to the Order of the Houſe, take off the File the Indenture, wherein *Edward*, Lord Viſcount *Latimer*, and Sir *Richard Temple* were Return'd, &c.

Die Lune, 24 Martii, 1689. A Petition of Sir *Richard Atkins*, and Sir *Peter Tyrrel*, Knights, and other Burgesſes of the ſaid Burrough. That on the 19th of *February* laſt, being the Day of Election for the ſaid Burrough, the Petitioners Sir *Richard Atkins*, and Sir *Peter Tyrrel* were duly elected by the Majority of Voices; yet the Bailiff hath Return'd Sir *Richard Temple* and *Alexander Denton*, Eſq; in Prejudice to the Petitioners, and praying Conſideration, &c. was read and referred:

1689.

Alſo a Petition of the Inhabitants and Houſholders of the ſaid Burrough, That the Petitioners and others, being Houſholders and Inhabitants of the ſaid Burrough, in purſuance of their Right, were preſent at the Election there, on the 19th of *February* laſt, and then tender'd their Voices to be taken, and demanded a poll of the Bailiff, but were reſuſed the ſame, who confined the Election to himſelf and 12 capital Burgesſes, to the prejudice of the Petitioners, and praying the Conſideration of the Houſe in the Premiſſes, and that the Petitioner's Right may be preſerved, and the ſaid Election made void, and a new one granted; wherein the Petitioners may be allow'd their Voices, was read and referred. And order'd, That the Matter of the ſaid Petition be heard; together with the Petition of Sir *Richard Atkins*, and other Burgesſes and Inhabitants of the ſaid Burrough.

Die Lune 6 Octobris, 1690. Both Petitions renew'd, *viz.* That of Sir *Richard Atkins*, Sir *Peter Tyrrel*, and other Burgesſes of *Bucks*, ſetting forth, That the ſaid Sir *Richard Atkins*, and Sir *Peter Tyrrel* were duly choſen by the Burgesſes and Inhabitants of the ſaid Burrough, who have a Right to Elect, yet Sir *Richard Temple*, and *Alexander Denton*, Eſq; are Returned by the Bailiff, and 12 capital Burgesſes, excluſive to the reſt of the Burgesſes and Inhabitants; and in Injury to the Petitioners, and Violation of the Rights of the ſaid Burrough. Read and Referred.

1690.

Alſo a Petition of the Inhabitants of the ſaid Burrough of *Bucks*; ſetting forth, That the ſaid Burrough had a Right to ſend Members to Parliament, before the preſent Incorporation, and that the Petitioners, in purſuance of ſuch their Right, were with many others at the laſt Election for the ſaid Burrough, *viz.* on the 19th of *February*, 1689. and tendred their Voices to be taken, and demanded a Poll of the Bailiff, who deny'd the ſame, and confined the Election to himſelf and 12 capital Burgesſes, and praying that their Right may be vindicated, and the Election made void. Read and Referred.

Die Sabbati 8 Novembris, 1690. Ordered, That the Chairman of the Committee of Privileges and Elections do make his Report on *Tueſday* Morning next at Nine a Clock.

1690.

Report.

Die Martis 11 Novembris; Mr. Gray Reported from the Committee of Priviledges and Elections the Matter touching the Election for the Burrough of *Buckingham* in the County of *Bucks*, and the Resolutions of the Committee thereupon, which he Read, &c. as follows.

That upon the Petition of Sir Robert Atkins, and Sir Peter Tyrrel, touching the said Election they had examined the same.

That the Question was only on the Right of Election, and that if it was in the Select Number (which consisted of a Bailiff, and 12 Burgeses) the Sitting Members were elected. But if in the Inhabitants at large, then the Petitioners were duly elected.

That for the Petitioners several Returns were produced, viz.

1 E. 6. The Bailiffs and 11 Burgeses (named) elected.

6 E. 6. The Bailiffs and 11 Burgeses (named) elected.

2 & 3 Phil. & Mar. *Balivus & Burgeses cum communi consensu & assensu Elegerunt.*

1 Elizab. The Bailiff and 12 Burgeses elected.—and produced a Charter of

1 Maria. *Quod vill de Bucks de cetero liber Burgus erit & quod erint duo Burgeses Parliamenti.*

That for the Sitting Members was produced an antient Record of 27 E. 3. of a Precept to the Mayor and Bailiffs of *Bucks*, for electing Burgeses to Parliament.

And also a Judgment of the House of Commons in the Case of Mr. Dormer, that the Right of electing was in the Bailiff and 12 Burgeses.

That it was also proved, as well by one *Fourty*, a Witness for the Petitioners, as by *William Atton* and *Hugh Hethersey* produced by the Sitting Members, who spake as to several Elections, and said, That the persons that sate upon those Elections were always elected by the select Number.

And that thereupon the Committee came to several Resolutions, which he read in his place, and afterwards delivered in at the Table, where they were again severally read and agreed unto by the House, viz.

(1.) Resolved, That the Right of Election of Burgeses to serve in Parliament for the said Burrough, is in the Bailiff and 12 Burgeses of *Buckingham* only.

(2.) That Sir Richard Temple, Knight of the Bath, and Baronet, is duly elected a Burgess to serve in this Parliament for the said Burrough.

(3.) That Alexander Denton, Esq; is duly elected a Burgess to serve in this Parliament for the said Burrough.

1695. *Die Veneris 29 Novembris, 1695.* A Petition of divers of the Inhabitants of the said Burrough of *Buckingham*, on behalf of themselves and the rest of the Inhabitants within the said Burrough, setting forth, That the said Burrough is a Burrough by Prescription, and that Sir Richard Atkins, and James Tyrrel, Esq; were unanimously chosen Members to serve in this present Parliament, by the Inhabitants of the said Burrough. That the Bailiff and 12 capital Burgeses have (without the Consent of the Inhabitants) taken upon them to return Sir Richard Temple, and Alexander Denton, Esq; as Representatives for the said Burrough, to the manifest Prejudice of the Petitioner's Right, and praying that the House will take the Premises into Consideration, was read and referred to the Committee.

Die Sabbati 29 Februarii. Order'd, That the Inhabitants of the Burrough of *Buckingham* have leave to withdraw their Petition, touching the Election for the said Burrough.

1697. *Die Veneris 3 Decembris, 1697.* Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgess to serve for the said Town and Parish of *Buckingham*, in the room of Sir Richard Temple, Knight and Baronet, deceased.

1698. *Die Lune 12 Decembris, 1698.* The like of Order for a new Writ for electing another Burgess to serve in this present Parliament, for the said Town and Parish of *Buckingham*, in the room of Alexander Denton, Esq; deceased.

Burgus de Burroughbrigg in Com' YORK.

DIE Lune 24 Martii, 1689. A Petition of Sir Bryan Stapleton, Bar. setting forth, 1689.
That he was duly elected for the said Burrough by the plurality of Voices, yet Sir Christopher Wansford, Bar. the present High Sheriff hath returned Christopher Vane, Esq; as elected in the place of the Petitioner, by directing the Precept to an illegal Bailiff of the said Burrough, who suffered many to poll that were not qualified so to do, and return'd the Indenture notwithstanding the Majority of the legal Votes, protested against the same, and praying the Consideration and Relief of the House. Read and Referred.

Die Lune 6 Octobris, 1690. The same Petitioner renews his Petition, viz. that 1690.
he was duly elected for the said Burrough of Burroughbrigg by a plurality of qualified Votes; yet the High Sheriff hath return'd Christopher Vane, Esq; as duly elected, by directing his precept to an illegal Bailiff, who suffered many persons not qualified to poll against the Petitioner, &c. Read and Referred.

Die Lune 17 Novembris, 1690. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the said Burrough of Burroughbrigg, be made to morrow Morning.

Die Martis 18 Novembris, 1690. Mr. Gray Reported from the said Committee, Report.
the Case of the said Election, viz. That upon the Petition of Sir Bryan Stapleton, Kn^t. against the Return of Christopher Vane, Esq; for the said Burrough. It was proved for the Petitioner, that he had 37 Voices, which was more than the Number that voted for Mr. Vane.

That for the fitting Member no poll was proved, but they only produced the Return made by the Sheriff: Whereupon the Committee came to several Resolutions, which he read in his place, and afterwards delivered in at the Clerk's Table, where the same were again read and agreed unto by the House, and are as follows, viz.

(1.) That Christopher Vane, Esq; is not duly elected a Burgess to serve in this present Parliament, for the said Burrough of Burroughbrigg.

(2.) That Sir Bryan Stapleton, Bar. is duly elected a Burgess to serve in this present Parliament for the said Burrough of Burroughbrigg.

Ordered, That the Clerk of the Crown do attend this House to morrow Morning, with the Return for the said Burrough, in order to amend the same.

Die Mercurii 19 Novembris, 1690. The Clerk of the Crown attending according to Order, was called in, and amended the Return for the said Burrough of Burroughbrigg in the County of York, by razing out the Name of Christopher Vane, Esq; and inserting instead thereof, the Name of Sir Bryan Stapleton, Bar.

Burgus de Calne in Com' WILTS.

DIE Mercurii 19 Martii, 1678. A Petition of Henry Chivers, Esq; complain- 1678.
ing of an undue Return of Sir George Hungerford, and Walter Norborn, Esq; to serve in this Parliament as Burgesses for the Burrough of Calne in injury of the Petitioner, who was duly elected, and ought to have been return'd, was read and referr'd. But nothing more done therein.

Also a Petition of John Lawford, Esq; complaining of an undue Return of the said Sir George Hungerford, and Walter Norborn, Esq; to serve as Burgesses for the said Burrough, in injury of the Petitioner who was duly elected, and ought to have been return'd, was read and referr'd. But nothing more this Parliament.

Die Jovis 22 Octobris, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough of Calne in the County of Wilts, in the room of Henry Baynton, Esq; deceased.

Die Veneris 6 Novembris, 1691. A Petition of Sir George Hungerford was presented; setting forth, That on the 31st of October last he was duly elected one of the Burgesses for the said Burrough of Calne: But that the Steward of the said Burrough 1691.
S had

had returned *William Windham* Esq; in prejudice to the Petitioner, and praying the Consideration of the House and Relief in the Premises; read and referred.

Die Mercurii 16 Decembris 1691. Ordered, That the Chairman of the Committee of Privileges and Elections do report the matter touching the Election for the said Burrough of *Calne*, upon Friday morning next. And,

Die Jovis 17 Decembris 1691. Ordered, That the Chairman of the Committee of Privileges and Elections do report the matter touching the Elections for the Burrough of *Calne* in the County of *Wilts*, and of *Limington* in the County of *Southampton*, to morrow morning, after the business touching the *East-India* Company is over. And

Die Veneris 18 Decembris 1691. Ordered, That the Chairman of the Committee of Privileges and Elections do report the matter touching the several Elections for the Burroughs of *Limington* in the County of *Southampton*, and of *Caln* in the County of *Wilts*, to morrow morning at ten a Clock.

Die Sabbati 19 Decembris 1691. Ordered, That the Report of the said several Elections be made upon Tuesday sevensnight.

Report. *Die Martis 29 Decembris 1691.* Mr. Serjeant *Trenchard* reported from the said Committee of Privileges and Elections the matter touching the Election for the said Burrough, upon the Petition of *Sir George Hungerford*, against the Return of *William Windham* Esq; as follows, viz.

That the right of Election appeared to be in the Burgeses Inhabitant within the said Burrough.

And the Question was, Whether the Petitioner or fitting Member had the majority of these Votes.

For the Petitioner was called,

Walter Foreman, who produced a poll which he said he took at the time of the Election at the Request of *Sir George Hungerford*.

Upon which poll the Petitioner had _____ 15

And the fitting Member _____ 14

Dyer, *Richards* and *Jones* testified, that the Burgeses Inhabitants had only a right to vote; that *Henry Foreman* and *Richard Ryder*, who were Burgeses, and afterwards went and lived out of Town, were refused their Votes at the Election wherein *Sir Edward Bainton* stood, Anno 1661. And that *Oliver Harman*, one of the Voters for the fitting Member lived out of the Burrough about a Stone's throw at the time of the Election.

Alexander Orchard a Bailiff said, that a little before the Election he was spoken to by *Richard Seager*, one that voted for the fitting Member, to arrest *Robert Dyer*; and promised him, that if he would but stay, and arrest also *Blake*, *Langton* and *Swaddon*, (which 4 voted for the Petitioner) and secure them that they might not have their Votes, he should have 4 or 5 Guinea's; that *Dyer* was arrested, but got off before the Election, for a Debt wherein he stood bound with *Seager* to one *Parsons*.

Johnson, *Weeks* and *Goddard* testified, that Mr. *Hoskins* one of the Stewards did declare that he would return Mr. *Windham* if he had but 10 Voices.

Goddard said, that he was spoken to by Coll. *Chivers* to vote for Mr. *Windham*, and that Mr. *Hoskins* the Steward promised to give him a Guinea out of his own pocket if he would, and procure him the *Lady Bainton's* Custom.

That he had voted at two Elections, and particularly when Mr. *Fowler* was Steward, but they were not controverted.

On behalf of the fitting Member was called

Thomas Fowler, who delivered in a poll, which he said he took by order of the Steward; which poll agreed with the before-mentioned; only *Goddard's* Name, that was taken in the other poll for the Petitioner, was omitted in this; and said, that *Goddard* and *Swaddon*, two of the Petitioner's Voters, were disfranchised, and produced the Town-book wherein their Disfranchisements were recorded.

There was also a Conviction of Forgery produced against *Swaddon*; and as to *Dyer*, *Fowler* said, that he was disfranchised, and he had seen it recorded in the Book, but that *Dyer* had gotten the Book, and the Leaf was torn out.

That *Oliver Harman* lived in the Burrough several Days before and after the Election, but as to his Children and his Maid they lived at his House out of the Burrough.

That on the Petitioner's behalf it was made appear by the Town-book, that *John Norman*, who voted for the fitting Member, was disfranchised, &c.

Where-

Whereupon the Committee came to the Resolution following :

“ That *William Windham Esq;* is duly elected a Burgess to serve in this present Parliament for the Burrough of *Calne* in the County of *Wilts.*
To which Resolution the House on the Question agreed.

Comitatus de Cambridge.

DIE Luna 11 Decembris 1693. being the 4th Session of King William's Six Years 1693.
Parliament. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of Crown, to make out a new Writ for electing a Knight of the Shire to serve in this present Parliament for the County of Cambridge, in the room of Sir *Levinus Bennet* Knight, deceased.

Die Jovis 4 Januarii 1693. A Petition of Sir *Rushout Cullen* Baronet, complaining of an undue Election and Return of the Lord *Cutts* to serve as a Knight of the Shire for the said County, in injury of the Petitioner, was read and referred.

Die Mercurii 7 Februarii 1693. Ordered, That the Report from the said Committee, touching the Election for the said County of Cambridge be made upon Saturday morning next. But,

Die Veneris 9 Februarii. Ordered, That the said Report be made upon Monday morning next. And accordingly,

Die Luna 12 Februarii, Mr. *Bowyer* reported from the said Committee the matter Reports touching the said Election, as it appeared to them, with their Resolutions thereupon, which he read in his place, &c. viz.

Upon the Petition of Sir *Rushout Cullen* Baronet, complaining of an undue Return of the Lord *Cutts* to serve for the said County of Cambridge, the Committee have examined the Matter of that Election.

That the Sheriff gave in the poll, according to which

The Sitting Member had	_____	928	} Voices.
And the Petitioner	_____	921	

The odds being but 7; but this was not agreed to, but that by other Computations it was made to amount to 10 or 11.

The poll taken by the Sheriff's Clerk was all along in his own and his Clerk's custody, who both testified, no Alterations were made, but the Books were not sealed up.

The Sheriff likewise testified, that he swore all those that polled with him, that they were Freeholders, and had 40 s. per Annum, and gave directions to the other Booths to do the like.

Upon this the Council and Parties being withdrawn, the Committee debated whether they should admit Evidence to unqualifie those that swore themselves Freeholders, and upon a division it was carry'd, that they would admit such Evidence.

Whereupon the Council being again called in, produced the following Evidence, whereby to set aside several Voters for the sitting Member.

Thomas Newman and *Richard King* were there themselves, and confessed they voted for the sitting Member, and were sworn; and that the Freeholds they voted for, one was in *Great Gawden* in the County of *Huntington*, and not in *Cambridge*; the other, that he voted for a Freehold that was his Father's, which he thought he might have done, his Father not being there to vote for himself.

George Stern and *Charles Chambers* testified against 17 of the Pollers for the sitting Member, upon account of their not having Freeholds, viz. *Joseph Noble*, that he confessed he voted in regard of an House wherein, upon Examination of the Writings, he had only a term of 40 Years; the same for *Anthony Punchon*. That *Thomas Pain* confessed, he voted in regard of a House he lived in, because it was Rent-free. That *Richard Priestley* confessed, he had no Freehold. That *Robert Lee* confessed, he voted in regard of ten Acres of Land he had by his Father's Will, but producing the Probate, it appeared his Mother had a present Estate for Life in it, and had made no Settlement upon him; the same for the Freehold of *Thomas Walker*. That *William Brazier* confessed, he voted for nine Acres that were his Father's. That *William Cooper*, *John Rivers*, *Richard Bass*, and *John Bacon* confessed, they voted for Freeholds promised

mised to be settled on them, but not done. That *William Band* confessed, he voted for a Tenement wherein he had but a Lease for Years; the same was also proved against *Edward Freeman*. That *Stephen Miller* confessed, he polled for a Tenement that belonged to an Infant, to whom his Wife was Guardian. That *Joseph Merchant* confessed likewise, that he voted for a Tenement that belonged to a Child, and not to himself. *William Hurrick* confessed, he voted in respect to an Almshouse he lived in, because he paid no Rent for it, that *Matthew Foreman* confessed, he voted in respect to an Annuity granted to him out of a Copyhold Estate of his Wife's; to which it was answered, This was an Infranchisement of the Copyhold.

All these foregoing 17 Voters confessed, they had no other Freehold in the County; and it was testified by *Chambers*, that *John Dogget* confessed he voted, but had no Freehold at all; but being fuddled, was over-persuaded to do so.

Stern testified, that *Richard Mansfield* and *Jeremy Marshall* confessed they voted, one for a House not worth above 20 or 30 s. *per Annum*, the other for two thirds of a House worth but 46 s. *per Annum*.

William Martindale testified, that *John Cradock* confessed, he voted in respect of an House worth but 20 s. *per Annum*, and a Mill which he had for Years; and none of these three last mentioned had any other Freehold in the County.

Chambers testified, that *Nathaniel Wootton* that voted for the fitting Member was a Mad-man, and had no Estate; but on the other side it was prov'd by *Richard Pierfon*, that he was no Mad-man, and that he had an Estate of 5 l. *per Annum*.

Exceptions was also taken against 7 more that voted for the fitting Member, that they were Minors under Age of 21 Years, viz. *Henry Markham*, *Thomas Pittock*, *Richard Drury*, *Robert Batty*, *Southend Johnson*, *William Jones*, and *William Neal*. The first 6 were proved by Certificates out of the Register, and the last where the Register was lost was by his own Confession.

It was likewise testified of all those 31, that they had notice to appear at the Committee to justify themselves against those Exceptions; but no notice given to the fitting Member.

Another Exception was taken, that there were in the Poll-Book 2 that polled for the fitting Member, by the Names of *Thomas Porter* of Cambridge; and *William Glyn* testified, that there was never a one of that Name in Cambridge, and that he knew most People there, having lived there 38 Years.

Charles Graboe testified, that he voted for the Petitioner, but was set down in the poll to have voted for the fitting Member; and that *John Bolton* voted for the fitting Member, and refused to tell what Freehold he had.

On behalf of the fitting Member, it was proved by

Edward Fosseline and *Joseph Dudley*, that before the Election there were Articles signed by the Candidates, that there should be four Booths for polling-places, and all that came to poll to be sworn; that Minors should not be polled; and that each of the Candidates should have a Book to take the poll in, as well as the Sheriff's Officers, which were accordingly observed; that the Sheriff's Clerk at the beginning of the poll making mistakes, was discharged, and another put in his stead.

That it was at the desire of the Petitioner, that the poll was closed; that he examined all the three Poll-books himself, and found them to have this difference only; the Book taken for the Petitioner made the Surplus on the fitting Member's side 14, the fitting Member's Book 13, and the Sheriff's Book 11.

Thomas Heard testified, that he polled for the fitting Member, and yet was not entered in the Book; and that *Richard Mansfield*, objected against by the Petitioner, had a Freehold of 40 s. *per Annum*.

Richard Pierfon testified, that *William Moreson* that polled for the Petitioner had a Freehold but of 33 s. *per Annum*; and being taxed with it, confessed it, and said he would never do so again; and so likewise testified, that *Nathaniel Wootton*, excepted against by the Petitioner, was no Mad-man, and had an Estate of Freehold of 5 l. *per Annum*.

Lucas Brown testified, that *John Banks* polled for the fitting Member, and is not entered in the Poll-book; to which it was answered, there was some mistake in the Entry.

William Peckley testified, he polled for the fitting Member, and yet is not in two of the Poll-books, tho' he is in the third; but it was answered and testified by *Lows*, that he was in by the Name of *Peake*.

John Stacy testified, that *John Tanet* told him that he voted for the fitting Member, but was entered for the Petitioner.

*The same was testified by *Thomas Hitch* for *Panger*, and by *Josseline* for *William Clack*.

John Alton testified, that *Robert Dixon* was polled twice in the Books taken by my Lord *Cutts*'s Clerk.

Pike testified, that *Isaac Webb* and *Stephen Cobb* that polled for the Petitioner were Minors, and proved it by the Register; and *Dudley* proved the same as to *Benjamin Young* by his own Confession; and he likewise proved, that *George Lee* that polled for the Petitioner had no Estate till after his Mother's Death.

Nicholas Malabar testified, that *John Davis* of *Ely* had only a Barber's place to a College, and a Sallery of 6 *l. per Annum*, and a finging Man's place, but no Freehold.

Mason testified, that *Thomas Benson*'s Freehold was not worth 20 *s. per Annum*, and testified the same as to *Robert Nichols* and *Thomas Cadman*, and that those all voted for the Petitioner; the same likewise as to *Thomas Harris*, but *Mallabar* said, that it might be worth 40 *s. per Annum* to digg, but not otherwise. All those were Lands where they dugg Turf, but it could not be proved that any of those had Notice to come to the Committee to justifie themselves.

It was testified by *Smith*, that he had lived at *Boxworth* 30 Years, and had been 10 Years concerned in the Taxes, and knew neither *George Sparrow* nor *John Hurry* that are entered in the Poll, as of that place, and to have polled for the Petitioner: But it was answered, that he was entered by the Name of *John Sparrey* in the Sheriff's poll Book, and such an one there was there, and the same they believed as to *Hurry*, but could not find it out then on a sudden.

Lowes proved, there was no *Robert Cooling* of *Linton*; but it was answered, that *Linton* was there mistaken for *Hinton*, and *Cooling* was of that place.

Josseline proved, there was no *Francis Harvey* of ——— that voted, and yet such an one is entered in the Poll, to have polled for the Petitioner. He likewise offered this Testimony, that *George Palmer* is entered in the Poll for the Petitioner, and that he made Inquiry for him in that place, whereof he is named, and could not hear of any such Man there.

And *Pike* would also have done the same as to *John Jaggard*, but the Committee would not admit such Evidence; and the Council on either side confessed they had none left but such, whereof the Council on the Petitioner's side alledged, they had many, if the Committee would admit them, but it was admitted on neither side.

And that upon the whole Matter the Committee came to several Resolutions, as their Opinion, viz.

1st. " That the Lord *Cutts* is not duly elected a Knight to serve in this present Parliament for the said County of *Cambridge*.

2^{dly}, " That Sir *Rushout Cullen*, Bar. is duly elected a Knight to serve in this present Parliament for the said County of *Cambridge*.

The first of the said Resolutions being read a second time, and the Question being put, that the House doth agree with the Committee in the said Resolution. It pass'd in the Negative.

The second of the said Resolutions being read a second time, and the Question put, that the House do agree with the Committee in the said Resolution. It pass'd in the Negative.

Yet see the printed Votes, which says, the House agreed with the Committee in both the said Resolutions, which seems a Mistake, for no new Writ was then ordered.

Die Lune 25 Novembris, 1695. The Lord *Cutts* being chosen a Knight of the Shire for the County of *Cambridge*, and also a Burgess for the Burrough of *Newport* in the County of *Southampton*, made his Election to serve for the County of *Cambridge*, and a new Writ ordered for electing another Burgess for the said Burrough of *Newport*, in his room. Vide *Newport* in Com' *Southampton*. 1695.

Die Veneris 3 Decembris, 1697. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Knight of the Shire for the said County, in the room of *Edward Russel*, Esq; now Earl of *Orford*, called up to the House of Peers. 1697.

Die Jovis 23 Decembris, 1697. A Petition of Sir *Christopher Hatton*, and Sir *Richard Bennet*, Baronets. *Altham Smith*, *Thomas Buck*, *Malbon Carell*, *John Malli-cent*, *Tyrrell Dalton*, *William March*, *Thomas Richards*, *Edward Nightingale*, *Robert Drake*, *John Brownell*, and *Theodore Tyrrel*, Esquires, *Isaac Saywell*, *Thomas Dodd*, 1697.
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Roger Pyke, Thomas Ewen, and Thomas Fowle, Gentlemen-Freeholders of the County of Cambridge, on the behalf of themselves and many others of the Freeholders of the said County, was presented and read; setting forth, That at an Election for a Knight of the Shire for Cambridgeshire, on the 6th Instant, Granado Pigot, Esq; stood as a Candidate, and about 11 a Clock the Poll began, and several Freeholders there desired to poll for the said Mr. Pigot, but were deny'd, and the under Sheriff discharged the Freeholders about four in the Afternoon from their Attendance at the County-Court, and called a *Nisi prius* Court without Mr. Pigot's Consent, that before five a clock the Sheriff began to poll again in the Crown Court, and without making proclamation, about five a clock adjourned the poll till eight. The next Morning (without Mr. Pigot's Consent, several Freeholders then desiring to poll for him) that the Petitioners attended at eight the next Morning, but the Sheriff did not proceed to poll till after 10 a clock, and gave the Petitioners such unnecessary Delays, that many Freeholders were forced to go home without polling. That the Petitioners have also been debarred from their just Rights and Liberties in this Election by Threats and Treats by Persons in Commission, both of the Peace and for Taxes, and praying that the House will take the same into Consideration—referred to the Committee of Privileges and Elections.

Die Martis 1 Februarii, 1697. Order'd, That the Report from the said Committee, touching the said Election, be made upon Friday Morning next. And accordingly

Report.

Die Veneris 4 Februarii. Mr. Norris Reported the Matter, touching the said Election, as it appeared to the said Committee, which he read in his place, and afterwards delivered in at the Clerk's Table, where the same was read as follows.

Upon the Petition of Sir Christopher Hatton, and several other Freeholders of the County of Cambridge, complaining of an undue Election of Sir Rushout Cullen to serve for the said County, the Committee have examin'd the Merits of that Election.

That the Council for the Petitioners insisted on three Things.

(1.) That the first Day of the poll, Granado Pigot, Esq; had a great Majority of Sir Rushout Cullen, and that the poll was not rightfully and regularly adjourned till the next Day.

(2.) That some great Men had brow-beaten and threatned some of the Freeholders, and used indirect Means for the gaining Votes for Sir Rushout Cullen.

(3.) That Money had contrary to the late Act been expended upon several of the Freeholders that voted for Sir Rushout. That it was agreed, that upon the poll the first Day, Mr. Pigot had the Majority, and that Mr. Pigot opposed the Adjournment to the next Day.

The Petitioner's Council called several Witnesses, viz.

John Welbore and Robert Swan testified, That the Election began at 11 a clock the 16th of December, that the poll according to an Agreement between the Candidates and the high Sheriff was taken at Four Courts, till about two of the clock in the Afternoon, at which time two of the Courts were discharged: The two Courts that then remained, were the Crown Court and the *Nisi prius* Court, and that about half an hour after four the *Nisi prius* Court, and the Persons attending there were discharged by the Sheriff without being adjourned over to the next Day, and that a Person had his Hand upon the Book at the same time. That after the Discharge of the *Nisi prius* Court, and then it being about a quarter before five, the poll at the Crown Court was adjourned to the next Day. That the reason the Sheriff gave for the Adjournment was, that several could not come that Day, because the Waters were out, though the said Welbore and Swan testified, several came from the said places that Day.

Allen Harrell said, that he heard the high Sheriff say, That Mr. Pigot had the first Day a Majority of 150 Voices, and believed Mr. Pigot would get the Day do what they could.

Mr. Cook said, that the high Sheriff after the Election declared, He had advised upon it, and did not doubt but he was safe, and that the Earl of Orford had promised to get him 80 l. he was out of pocket upon account of High-way-men.

Allington Harrison said, that the first Day of the Election he had his Hand on the Book at the *Nisi prius* Court, intending to have polled for Mr. Pigot, but was prevented by the Adjournment, but polled the same Night at the Crown Court. That being present at a Meeting of the Commissioners for the Tax, he heard Mr. Loane a Commissioner and Justice of the peace say, Should we elect a Man the King hath set a Mark of Disfavour upon? The King is for having Sir Rushout Cullen chosen, but he would

would not say any person was influenced by it; that he himself voted for Mr. Pigot, and that the Mark of Disfavour was the King's putting Mr. Pigot out of his Commission. That there was no proceeding upon the Tax that meeting.

Thomas White said, He had no Money, but his Charges were born to Cambridge by Mr. Marsh, who voted for the sitting Member, and desired him to vote for him also, and that he would not have gone without Charges; that he said Marsh paid near half a Crown for him; that Mr. Steward would not bear his Charges for Mr. Pigot; so he voted for the sitting Member; that he is a Freeholder of 5 l. 10 s. all charges born.

Thomas Verneham said, that Esquire Loane sent for the Freeholders, but told them there was an Act against treating, and therefore they paid two pence a piece, and Mr. Loane desired the Freeholders to be for Sir Rushout.

Charles Steward said, that one Gester, Esquire Pickering's Bailiff paid 29 s. the Reckoning of 20 Men, who voted for Sir Rushout, but believes they were all Mr. Pickering's Neighbours or Tenants.

Jos. Sparrow said, that the 15th of June he kept a private Court for Mr. Holgate, and Mr. Sizer sent to him, and they dined together; and Mr. Sizer sent for several Freeholders; that five or six Freeholders appeared, of which there were but three that had Business at the Court; and that upon the Account of the Freeholders they had a quarter of Lamb extraordinary; that Mr. Sizer recommended Sir Rushout, and that there being several Tenants of the Court, he paid 10 s. and Mr. Sizer 6 s. that he voted for Mr. Pigot, but three of the Freeholders that appeared then, he knew voted for Sir Rushout.

George Baker said, he kept the Crown-Inn in Cambridge, and that Mr. Tregonnell Frampton paid between 3 and 4 l. for about 20 Men, most of which came from New-Market, but he could not say it was by the Direction of Sir Rushout or any of his Agents.

Henry Porter said, he was present at a Bowl of Punch, it being Court time when Esquire Rowland treated his Tenants, and that Mr. Rowland asked him to be for Sir Rushout, and he said he would vote as the rest of his Neighbours.

John Flavill said, he was a Freeholder of 40 s. per Annum, and came to poll for Mr. Pigot the first Day, and was prevented by the Books being shut up, but said, it was Candle-light, and his Master could not spare him the next Day, and so he did not poll.

Thomas Ellington said, that he was at the White Bear in Cambridge, and a Gentleman unknown to him gave to 16 Men that came from Leverington 5 or 6 s. a piece openly in the Yard, and that he heard them say, they would vote for Sir Rushout; that he declared it to some body about 10 Days before he attended the Committee, but could not remember to whom, nor give a very good Account of that matter.

Thomas Darceley, Robert Nunn, Dr. Cresnall said, that Robert Nunn collected about 30 s. of which Dr. Cresnall paid 5 s. some paid 2 s. and 6 d. and some 1 s. and Nunn paid 2 s. and 6 d. that it was paid by the Freeholders among themselves, who voted for Sir Rushout to drink together before they set out, and towards their Charges, and that it was agreed, that the Freeholders should partake; that there was 15 s. spent accordingly at the Bull, and about 60 people appeared, but it did not appear that Sir Rushout ordered or subscribed any thing towards the Collection.

Dingley Askham said, he was a Freeholder, and being at the Election addressed to the Sheriff to have a Man removed; whereupon the Lord Cutts asked him what he had to do? To which he answered, with his Hat on, he had as much to do as any body else. The Lord Cutts said, he was an Impudent fellow, and ought to be committed.

Obadiab Barnes and John Flack said, that the Lord Cutts said, Mr. Drake had done something about Adjournment of the Court the Night before, which would amount to a Riot; and Flack further said, that he asked some Freeholders to vote for Mr. Pigot, particularly Robert Hill and Robert Adams; and they said, they durst not, they were afraid of Mr. Loane, but he could not say he ever heard Mr. Loane threaten; but Adams stay'd at home, and Hill voted for Mr. Pigot.

John Walcham said, that some on Wisbich side were at the Election on Thursday, particularly Robert Gun, who lived at March, and believes the Roads were better on Wednesday than on Friday, because of the Frost; and though a Breach was made in the Middle level, yet the Roads were never the worse.

Then the Petitioners produced two Letters from the Earl of Orford, both without Subscription, and in the same Words whereby he recommended the sitting Member as
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a very fit Person, well qualified, both in Understanding and Estate, and that Mr. Pigot had not signed the Association.

That for the fitting Member to answer what was alledged and proved by the Petitioners, were called several Witnesses, viz.

Sir Henry Pickering who said, he was at the Election all the while, and when it was near five a clock on Thursday, a Message came from the Crown Court to the *Nisi prius* to bid them come over to the other Court: But one Drake said, we will not be adjourned, we would feign see who should adjourn us; upon which the Sheriff came and adjourned the Court to the next Morning eight a Clock, and he thought it was time so to do, for the People began to throw Squibbs, and the Tapsters were got drunk; that Mr. Pigot was in Court the next Day all the while, and polled as near as Sir Henry Pickering could judge 80. and after the Poll was over, went into the Chamber, and his Friends cast up the Poll with the others; that on Friday Morning he would have had the Poll closed, but the Sheriff would not; saying, He was an *Isle* of Ely Man, and he knew it impossible for the People of that side to come the Day before.

Edward Baily said, he was at the *Nisi-prius* Court when a Clerk from Sir Rushout brought Orders from the Crown Court to adjourn, and that Mr. Drake opposed it; and that afterwards the *Nisi-prius* Court was adjourned till next morning.

John Bellamy said, that *Twelves* and some others came to his House and told him, the Banks were broke; and if they had been broke near them, as they thought at first, it would have been impossible for them to have stirred; and they agreed all not to stir that day, and sent a special Messenger to desire the Court might be adjourned to next day.

Mr. Loane said, that the Meeting mentioned by Mr. Harrison was to receive the Assessment, but their Clerk was wanting, and so they did not proceed upon it; believes he did then declare himself to be for Sir Rushout Cullen, but used no threats or promises of Reward, nor treated, nor had any such direction from Sir Rushout; but Sir Rushout hath often begged of his Friends not to treat; that he had no direction from the Court to give a Character of Mr. Pigot, but believed he might say that he thought Sir Rushout the more proper Man; and that it would be like an affront, the King having set his mark of displeasure upon Mr. Pigot, in so lately displacing him; that he believed Mr. Pigot did sign the Association after it came to be a Law, but not before; having objected against the words [*Rightful* and *Lawful*] and the word [*Revenue*].

That upon the whole matter the Committee came to this Resolution, viz.

Resolved, That it is the Opinion of this Committee, that Sir Rushout Cullen is duly elected a Knight to serve in this present Parliament for the County of Cambridge.

The said Resolution being read a second time.

Resolved, That the House doth agree with the Committee in the said Resolution, that Sir Rushout Cullen is duly elected a Knight to serve in this present Parliament for the County of Cambridge.

A Motion being made, and the Question being put, That the Petition of Sir Christopher Hatton and Sir Richard Bennet Baronets, and other Freeholders of the County of Cambridge unto this House, complaining of the late Election of a Knight of the Shire for the County of Cambridge, is frivolous and vexatious.

The House divided. The Yea's go forth:

Tellers { Sir William Strickland } Yea's 109.
 { Mr. Palmes }

Tellers { Mr. Gwyn } No's 165.
 { Sir John Bolles }

So it pass'd in the Negative.

1698. *Die Jovis 22 Decembris 1698.* The Lord Cutts being elected a Knight of the Shire for the County of Cambridge, and also a Burgess for the Burrough of Newport alias Medena in the County of Southampton, made his Election to serve for the said County. And a new Writ ordered for Newport.

1700. *Die Merc. 19 Feb. 1700.* The Lord Cutts being chosen Knight of the Shire for this County, and also a Burgess for the Burrough of Newport alias Medena in the County of Southampton, made his Election to serve for this County. And a new Writ ordered for electing a Burgess for the Burrough of Newport alias Medena, in his room.

Villa de Cambridge.

Note, That the Burgeses to Parliament for the said Town of Cambridge were chosen in the County Court to these several Parliaments, viz. 2 H. 5. 4 H. 6. 6 H. 6. 11 H. 6. 14 H. 6. and 29 H. 6. and the like in 17 E. 4.

In the 2d H. 5. they were chosen there by 12 Eleſſors only, ex aſſenſu totius Communitatis Burgi, and from that time to the 22d E. 4. which are the laſt Returns in the Tower; there are but 8 Eleſſors mentioned in the Returns, whether thoſe Eleſſions were made either in the County or in the Town Court.

So in the 27th H. 6. the Eleſſion was by only 8 Eleſſors (named) for the Community of the Burrough, according to the cuſtom of the Liberty of the Town.

And in 29 H. 6. the Eleſſion was in the County Court by only 8 Eleſſors (named) for the Community of the Burrough, according to the cuſtom of the Town.

DIE Sabbati 29 Martii, 1679. A Petition of Sir Thomas Willis, Bar. and Roger Pepys, Eſq; complaining of undue Practices in the Eleſſion of Burgeſſes for the ſaid Town, was read and referred. But nothing more this Parliament. 1679.

Die Martis 20 Octobris 1696. Ordered, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for eleſſing another Member to ſerve in Parliament for the ſaid Town of Cambridge, in the room of John Pepys, Eſq; deceaſed. 1696.

Univerſitas de Cambridge.

DIE Luna 20 Januarii, 1689. An Information having been given in againſt Sir Robert Sawyer, Kn^t, then one of the Burgeſſes for this Univerſity, as being one of the Proſecutors againſt Sir Thomas Armſtrong. And a Motion being made, and the Queſtion put, that he be expelled the Houſe; it was on a Diviſion carry'd in the Affirmative. Yea's 131. No's 71. 1689.

Die Jovis 23 Januarii. Order'd, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown for a new Writ, to be iſſued for eleſſing another Burgeſs to ſerve in this preſent Parliament for the ſaid Univerſity, in the room of Sir Robert Sawyer, Kn^t. who was expelled this Houſe the 20th Inſtant.

Die Veneris 4 Novembris, 1692. being the Fourth Seſſion of the fix Years Parliament. Order'd, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for eleſſing a Burgeſs to ſerve in this preſent Parliament for the ſaid Univerſity, in the room of Sir Robert Sawyer, Kn^t. deceaſed. 1692.

Burgus de Camelford in Com' CORNWALL.

DIE Luna 24 Martii, 1678. Mr. Harbord being choſen for the Town of Thetford in Com' Norfolk, and for the Burrough of Camelford in Com' Cornwall, made his Eleſſion for the Town of Thetford, and a Warrant for a new Writ ordered for the Burrough of Camelford. 1678.

Die Sabbati 14 Martii, 1695. Mr. Ambroſe Manaton being eleſſed to ſerve in this preſent Parliament as a Burgeſs for the Burrough of Taviftock in the County of Devon, and alſo for the Burrough of Camelford in the County of Cornwall, made his Eleſſion to ſerve for the ſaid Burrough of Taviftock. 1695.

Order'd, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown, to make out a new Writ for the ſaid Burrough of Camelford, in the room of Ambroſe Manaton, Eſq; who hath eleſſed to ſerve for the Burrough of Taviftock.

Comitatus de Cardigan.

Civitas de Canterbury.

Great
Domesd
fol. 2.*In Great Domesday Book under Title Chenth, i. e. Kent is this Entry, viz.*

In Civitate Cantuaria habuit Rex Edwardus 51. Burgenfes reddentes Gablum & alios 212. super quos habebat *Socam* & *Sacam*, &c. Modo Burgenfes Gablum reddentes funt 19. de aliis qui fuerunt, 32. obierunt. Et adhuc funt 212. Burgenfes super quos habet Rex *Socam* & *Sacam*, &c. i. e. *Money paid for their Liberties and Privileges.*

Burgenfes habuere 45. manfuras extra Civitatis de quibus ipfi habebant *Gablum* & Confuetudinem Rex autem *Sacam* & *Socam* ipfi quoque Burgenfes habebant de Rege 33. Acras Prati in *Gildam* fuam has Domus & hanc Terram Tenet Ranulphus de Cöumbels habet etiam 80. Acras Terræ super hæc, Quas tenebant Burgenfes in *Allodia* (i. e. *freely*) de Rege, de his omnibus revocat (*vouched*) Ranulph ad Protectorem Epifcopus Baiocenfem, i. e. *he held of the Bishop, and called to Warranty for the Poffeffion.*

1695.

DIE Sabbati 30 Novembris, 1695. A Petition of *Henry Lee*, Esq; fetting forth, that at the Election of Citizens to ferve in this prefent Parliament for the faid City, Sir *William Honeywood*, *George Sayers*, *Herbert Randolph*, Esquires, and the Petitioners flood as Candidates, and the Petitioner doubts not to prove, that he was duly elected by the Majority of legal Electors, and ought to have been returned accordingly: But by reason of many undue Practices used by Mr. *Sayers*, he and Sir *William Honeywood* have procured themselves to be returned as duly elected for the faid City, in wrong to the Petitioner; and praying the Houfe will take the Premiffes into Confideration, and do therein as they fhall think meet, was read and referred.

Die Jovis 5 Martii. Order'd, That Coll. *Lee* have leave to withdraw his Petition, touching the Election for the faid City of *Canterbury*.

Burgus de Cardiff.

1678.

DIE Mercurii 19 Martii, 1678. A Petition of *Thomas Stradling*, Junior, Esq; complaining of an undue Return of Sir *Robert Thomas*, Bar. to ferve in this Parliament for the Burrough of *Cardiff*, in injury of the Petitioner, who was duly elected, and ought to have been return'd, was read and referred. *But nothing more this Parliament.*

Comitatus de Cardigan.

1690.

DIE Martii 1 Aprilis, 1690. A Complaint being made to the Houfe againft the High Sheriff of the faid County, that he had not yet made any Return of Members to ferve in this prefent Parliament for the faid County into. Order'd, That the faid High Sheriff be taken into Custody of the Serjeant at Arms, attending this Houfe.

Die Veneris 4 Aprilis, 1690. The Houfe being acquainted, that the Sheriff of *Cardiganshire* hath now made his Return into the Crown-Office; and a Motion being made for his Difcharge out of Custody. Order'd by the Houfe, that he be difcharged accordingly, paying his Fees.

Die Martis 8 Aprilis, 1690. A Petition of *John Vaughan*, Esq; fetting forth, that he was duly elected by the Majority of legal Voters, but that the Sheriff by Confederacy and adjourning the Poll, and admitting the Voices of fuch who had only Mortgages to Poll for Sir *Carbery Price*, and denied Persons of the fame Capacity and bet-

ter Estates for the Petitioner; that the Sheriff adjourned the Court so often, and to such Distance of Place, that he polled the Day after the Writ was Returnable, and by such Partiality hath returned the said Sir Carbery Price as Knight to serve for the said Shire, in Prejudice to the County and the Petitioners, and praying the Consideration of the House, &c. read and referred.

Die Lune 6 Octobris, 1690. being the second Session of that Parliament. The same Petitioner renews his Petition; setting forth, that by an Act made 1 *Mariae*, the County Courts of the County of Cardigan are appointed to be kept at the Towns *Aberistwith* and *Cardigan*, *alterius vicibus*. That the next County Court after the Writ for electing a Knight of the Shire came to the Sheriff's Hands, happen'd to be at *Aberistwith*, where the Sheriff proceeding to an Election, the Petitioner and Sir Carbery Price stood Candidates, and many polled on either side that Day; and had the Sheriff done his Duty, the Poll might then have been finished: But he by Confederacy adjourned the Poll to next Day when the Writ was Returnable, and then allowed such as had only Mortgages to Poll for Sir Carbery, but refused Persons of the like Capacity for the Petitioner; and though there were then above 400 qualified Voters, who would have been polled that Day, yet the Sheriff refused to Poll them, but before twelve a clock adjourned the Poll to *Cardigan* (above thirty Welsh Miles) till two a clock the next Day; and then when the Return of the Writ was past, proceeded to a pretended Poll, and made an illegal Return of Sir Carbery Price, in Prejudice of the Petitioner and Freeholders, and praying the Consideration of the House, &c.

Die Lune 24 Novembris, 1690. Order'd, That the Report from the Committee of Privileges and Elections, touching the Election for the County of Cardigan be made on Friday Morning next at nine a clock. And accordingly;

Die Veneris 28 Novembris, 1690. Mr. Gray reported from the Committee of Privileges and Elections the Case touching the Election of Burgesses to serve in Parliament for the said County of Cardigan. Referred to the said Committee upon the Petition of John Vaughan, Esq; against the Return of Sir Carbery Price. Report.

That the Question was, whether the Poll was duly adjourned from *Aberistwith* to *Cardigan*.

Upon the Poll the Numbers were for

{ Sir Carbery Price	185.
{ Mr. Vaughan	91.

That there is an Act 1 *Mariae* that says, the Sheriff's Turn shall be kept at *Cardigan* and *Aberistwith* *alterius vicibus*, and that this time the Turn was to be at *Aberistwith*.

That the Sheriff came down the 9th of *March*, was not sworn till the 11th, and the Election was the 10th of the same Month; that the Sheriff some time before the Election declared, that the Town it was to be kept at was *Aberistwith*, but for the ease the Country he would adjourn to *Cardigan*.

That for the Petitioner was called *Marmaduke Williams*, who testified,

That the Sheriff declared all the Voters should be polled at *Aberistwith* before he had adjourned to *Cardigan*; that the Election begun the 19th of *March*, when the Voters were called by several Lists, and that some were polled on both sides, and the Sheriff then adjourned to the next Day, and promised Mr. Vaughan that his List should be called first; that the next Day the under Sheriff came and begun with Sir Carbery Price's List.

That afterwards Mr. Vaughan delivered in a List of 150 Freeholders, of which there was only 24 polled, and then the under Sheriff said, adjourn to two at *Cardigan*, and so adjourned with it further, proceeding in that List; that he believes there were several hundreds that were ready to have polled for Mr. Vaughan, and many cryed out to be polled.

John Jones testified to the like effect, the surprize in the Adjournment, and said, that besides the 29 which polled for Mr. Vaughan, he knew of 273 Freeholders more ready to poll for Mr. Vaughan at *Aberistwith*.

John Haberly testified, that besides the 29 which polled for Mr. Vaughan, and the 273 spoken of by Jones, he knew of 49 other Freeholders in Town, and ready to poll for Mr. Vaughan.

Rice Vaughan said, there were 485 Freeholders that would have voted for Mr. Vaughan, whereof 394 did not poll.

That on behalf of Sir Carbery Price was called

William Powell, who said, he believed there was 100 unpolled for Sir Carbery Price at the time of the Adjournment, which was the 20th of *March* at 12 a clock; that the reason the Sheriff gave for the Adjournment was, because he was advised, that that being

ing the Day of the Return of the Writ, he could not adjourn after 12 a clock; that there was a Proclamation, but whether before or after Adjournment, he could not be positive.

David Lloyd testified, there was a Proclamation before Adjournment; that when they came from Aberistwith he believes there were 100 to poll for Sir Carbery Price, and that they were fain to get Boats because they could not have Horses enough.

Another David Lloyd said, that the Sheriff came at the time of the Adjournment to Cardigan, and upon Notice that Mr. Vaughan would come to Cardigan, stay'd an hour or two expecting him; that Sir Carbery he believes had 100 came with him from Aberistwith, and might have 300 more about Cardigan.

Erasmus Davis testified, that the Sheriff some time before the Election had ordered Proclamation to be made in Market Towns of the designed Adjournment from Aberistwith to Cardigan, and he heard Proclamation made accordingly at Lampetor.

George Powel testified, that several Houses were taken up at Cardigan upon the Account of Mr. Vaughan, but that Mr. Vaughan never came to Cardigan, nor polled any there, and that Sir Carbery polled there 73.

Whereupon the Committee came to the following Resolutions, viz.

1. Resolved, "That the Adjournment of the Poll taken at the Election of the Knight of the Shire for the County of Cardigan by the Sheriff of the said County from Aberistwith to Cardigan, is a legal and good Adjournment.

2. Resolved, "That Sir Carbery Price, Bar. is duly elected a Knight of the Shire to serve in this present Parliament for the County of Cardigan.

The first Resolution being read a second time; and the Question being put, that the House doth agree with the Committee therein. The House divided Yea's 152. No's 149. So resolved in the Affirmative.

The second Resolution being read a second time; and the Question being put, that the House doth agree with the Committee therein. The House divided Yea's 167. No's 166. So resolved in the Affirmative.

1694. Die Luna 12 Novembris, 1694. being the last Session of the six Years Parliament. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Knight of the Shire to serve for the said County, in the room of Sir Carbery Price, Bar. deceased.

Die Veneris 7 Decembris, 1694. A Complaint being made to the House, that the Writ for electing a Knight of the Shire to serve in this present Parliament for the said County of Cardigan, was not yet delivered to the Sheriff of the said County.

Resolved, That all Writs for electing of Members to serve in Parliament be immediately sent to the proper Officers for Execution of the same with all convenient speed.

Villa de Cardigan.

Sir Symon D'Ews out of a private Journal which he often mentions, gives the following Account of an Election for the said Burrough, viz.

Die Jovis 5 Novembris, 1601. Post meridiem. For the Matter between Dr. Awbrey, Doctor of the Civil Law, and Mr. William Delabar of Lincolns-Inn, Barrister of the Common Law, touching the Burgeship of Cardigan in Wales: The Case stood thus, viz.

Cardigan hath been by antient Precedents ever since the 1 Eliz. a Burges Town, and ever the Return of the Indenture hath been for Cardigan only. Now this Parliament the Sheriff of the Shire favouring a Town called Aberistwith; after he received the Parliament Writ sent his Warrants to the Bailiff of Aberistwith to chuse a Burges, &c. who chose a Burges, viz. Dr. Awbrey, and returned him Burges for Cardigan and Aberistwith, and shewed in the Indenture the Election to be made by both Towns, and the Indenture was signed with the Sheriff's Hand: On the other side the Bailiffs of Cardigan understanding the Writ to be come to the Sheriff, took Notice thereof, and without any Warrant from the Sheriff made an Indenture and Election of William Delabar, and sent the same in a Letter to him; and Mr. Delabar sought the Sheriff or his Deputy in London, to deliver the said Indenture of Cardigan,

Cardigan, but not finding him, deliver'd the same to the Clerk of the Crown, paid his Fees, and was sworn and admitted into the House till this present Day.

Now at this Committee of Privileges, Dr. Awbrey came to complain, and the Committees found upon Examination of the Matter, that the County Court was as well kept at Aberistwith as at Cardigan, alternis vicibus, and that the County Court was to be kept this time at Aberistwith; so when they went to the Conference, both Awbrey and Delabar were desired to depart forth; and upon Consultation these Questions arose.

First, Whether the House have Power to Fine the Sheriff, because according to the Statute he sent not his Warrant to Cardigan?

Next, Whether he be punishable by the Penalty of the Statute?

Also, Whether he has pursued his Authority in making his Election in Aberistwith?

All which, with divers other Doubts were left to the Discussing of the House the next Day, and to the Report of Sir Edward Hobbie, or Mr. Solicitor.

Note, Sir Edward Hobbie at this Committee said, as to Awbrey and Delabar, the one is a civil, the other a common Lawyer; and he might say of them as the Duke of Milain said of the Thief and the Hangman, It is no matter whether goes first, the Hangman or the Thief.

DIE Martis 7 Novembris, 1693. being the Fifth Session of the six years Parliament. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Member to serve in Parliament, for the said Town of Cardigan in the room of *Hector Phillips, Esq;* deceased.

1693.

Civitas de Carlisle in Com' CUMBERLAND.

DIE Martis 12 Aprilis, 1692. The House being met after a Prorogation. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Citizen to serve in this present Parliament, for the said City, in the room of ——— *Bubb, Esq;* deceased.

1692.

Die Lune 14 Novembris, 1692. The House being informed, that the Council of the said City of Carlisle had disfranchis'd *Christopher Musgrave, Esq;* a Member of this House, by an Order of the said Council of the 29th Day of July last, which Order was read, and is as follows.

At the Council held the 29th of July, 1692. Present the Mayor and major Part of the Aldermen and capital Citizens of the City aforesaid. The Question being put, whether or no Mr. *Christopher Musgrave* a Representative for this City of Carlisle in Parliament be disfranchis'd from his Freedom within the said City? It was answered *Nemine contradicente*, that he be disfranchis'd, and he is hereby accordingly deprived from his Freedom as aforesaid.

And the Names of the Council were also read, and the Town-Clerk was called in and examined, touching the same. And being withdrawn,

Resolved by the House *Nemine contradicente*, that the disfranchising of *Christopher Musgrave, Esq;* a Member of this House, by the Mayor, Aldermen and Citizens of the City of Carlisle, is a Breach of the Privilege of this House.

Whereupon Mr. *Christopher Musgrave* desiring, that only such as were mostly concern'd in the said Matter might be punish'd for the said Breach of Privilege, which were *John How* the late Mayor, and *William Nicholson, &c.*

Order'd, That *John How, Senior*, late Mayor of Carlisle, *William Nicholson, Robert Jackson, Senior, Robert Jackson, Junior, Thomas Jackson* and *Edward Monckhouse* be sent for in custody of the Serjeant at Arms attending this House, for such their Breach of the Privilege of this House.

Die Lune 5 Decembris, 1692. A Petition of *John How, Gent.* late Mayor of the City of Carlisle, *Robert Jackson* and *William Nicholson*, Aldermen of the said City in custody of the Serjeant at Arms for the said Breach of Privilege, on behalf of themselves, and of *Robert Jackson, Junior, Thomas Jackson* and *Edward Monckhouse*, was read, whereby they acknowledged their Offence, and begg'd Pardon of the House for the same, and prayed to be discharged.

Villa de Carnarvon.

Order'd, That the said *John How*, *Robert Jackson*, and *William Nicholson* be brought to the Bar of this House upon *Wednesday* Morning next, in order to their Discharge. And accordingly,

Die Mercurii 7 Decembris, 1692. *John How*, Gent. late Mayor of the said City, *Robert Jackson* and *William Nicholson*, Aldermen of the same, were brought to the Bar by the Serjeant at Arms; where upon their Knees they received a Reprimand from Mr. Speaker, and were for the present discharged out of Custody, paying their Fees. Mr. Speaker by Direction of the House acquainting them, that the House expected, that *Christopher Musgrave*, Esq; should forthwith be restored to his Freedom in the said City.

1700. *Die Veneris 14 Februarii, 1700.* A Petition of *Thomas Stantwix*, Esq; was presented and read, complaining of an undue Election and Return for the said City. And referred to the Committee.

Comitatus de Carmarthen.

1696. *DIE Jovis 31 Decembris, 1696.* *Order'd*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for making out a new Writ for electing a Knight to serve in this present Parliament for the said County of *Carmarthen*, in the room of *Sir William Williams* of *Vaynol*, Baronet, deceased.

Comitatus de Carnarvon.

1690. *DIE Mercurii 2 Aprilis, 1690.* A Complaint being made to the House against the high Sheriff of the said County, for that he had not yet made a Return of Members to serve in Parliament. *Order'd*, That the said high Sheriff be summon'd by the Serjeant at Arms, to shew Cause, why he hath not made his Return.

Die Veneris 4 Aprilis, 1690. The House being informed, that the Sheriff of the County of *Carnarvon* hath not yet made his Return into the Crown-Office, of the Members to serve in this present Parliament for the said County. *Order'd*, That the said high Sheriff be taken into Custody of the Serjeant at Arms attending this House.

Die Martis 8 Aprilis, 1690. The House being acquainted, that the Sheriff of the said County had now made his Return into the Crown-Office. And a Motion being made for his Discharge out of Custody. *Order'd* by the House, that he be discharged accordingly, paying his Fees.

Villa de Carnarvon.

1697. *DIE Sabbati 14 Maii, 1697.* *Order'd*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Member to serve for the said Town of *Carnarvon*, in the room of *Sir Roger Owen*, Kn^t, deceased.

Villa de Castlerising in Com' NORFOLK.

DIE Veneris 6 Februarii, 1673. The Question being put, that the House do now receive the Report from the said Committee, touching the Election for the Town of Castlerising. 1673.

The House divided. The Yea's go forth :

Tellers	{ Mr. Garraway Coll. Strangeways }	Yea's 147.
Tellers	{ Mr. Newport Mr. Collingwood }	No's 117.

So it was Resolved in the Affirmative. And accordingly,

Sir Thomas Meers reported from the Committee of Privileges and Elections the Report. State of the Case and Evidence on both sides in the Matter depending upon the Election for the Burrough of Castlerising, and the several Votes of the Committee thereupon, which he read in his Place, and afterwards delivered in at the Table, where the same was read, and is as followeth, viz.

Resolved, (as their Opinion) That Mr. Pepys is not duly elected a Burgess to serve in this present Parliament for the said Burrough of Castlerising.

Resolved, (as their Opinion) That Mr. Offley is not duly elected a Burgess to serve in this present Parliament for the said Burrough of Castlerising.

Resolved, (as their Opinion) That the Election for the said Burrough of Castlerising is a void Election.

And the said Resolutions being debated by the House.

Resolved, That the further Debate hereof be adjourned till Tuesday Morning next, at 10 a clock. And accordingly,

Die Martis 10 Februarii, 1673. The House proceeded upon the said adjourned Debate; and did in the first Place take into Consideration what related to Mr. Pepys in Person.

And Information being given to the House by some Members, that they had received an Account from a Person of Quality, that he saw an Altar with a Crucifix upon it in the House of Mr. Pepys.

And Mr. Pepys standing up in his Place did heartily and flatly deny, that he ever had any Altar or Crucifix, or the Image or Picture of any Saint whatsoever in his House from the Top to the Bottom of it.

And the Members being called upon by the House to name the Person that gave them the Information; but they being unwilling to do it without the Order of the House. It was thereupon

Order'd, That such Members of the House as have given in Information against Mr. Pepys, do name the Persons that informed them of the Matter thereof. And the Lord Shaftsbury being named to be the Person that informed them; and the House being also informed, that one Sir John Banks did likewise see the Altar.

Order'd, That Sir William Coventry, Sir Thomas Meers, and Mr. Garraway do attend the Lord Shaftsbury, to be informed, whether his Lordship has at any time seen an Altar and a Crucifix in the House of Mr. Pepys, when and in what manner it was, and to receive what Information his Lordship can give upon the whole Matter.

Order'd, That Sir John Banks do attend at the Barr of the House, to inform the House what he knows of the Matter relating to Mr. Pepys.

Die Veneris 13 Februarii, 1673. Sir William Coventry reports, That according to the Order of the House, Sir Thomas Meers, Mr. Garraway and himself had attended the Earl of Shaftsbury in the Matter relating to Mr. Pepys; and that they had agreed upon a Report, to be presented to the House, which they had put into Writing, which he read, and is as follows, viz. Report.

The Earl of Shaftsbury denieth, that he ever saw an Altar in Mr. Pepys's House or Lodgings: As to the Crucifix he saith, that he hath some imperfect Memory of seeing somewhat which he conceived to be a Crucifix.

When his Lordship was asked the Time, he said it was before the burning of the Office of the Navy; and being asked concerning the Manner, he said, he could not remember whether it were Painted or Carved, or in what Manner the Thing was; and that his Memory was so very imperfect in it, that if he were upon his Oath he could give no Testimony.

Order'd,

Order'd, That Sir John Banks do attend at the Bar of the House on *Monday* Morning next, to inform the House what he knows of the Matter relating to Mr. Pepys.

Die Luna 16 Februarii, 1673. The House proceeded in the Matter touching the Election of *Castlerising*; and Sir John Banks attending at the Door, was according to the Order of the House called in, and Mr. Speaker in the Name of the House desiring him to give his Answer what Acquaintance he hath had with Mr. Pepys, and whether he used to have recourse to him at his House, and had ever seen there an Altar or Crucifix, and whether he knew any thing of his being a Papist, or Popishly inclin'd.

Sir John Banks gave an account to the House, that he had known and had been acquainted with Mr. Pepys several Years, and had often visited and conversed with him at the *Navy-Office*, and at his House upon several Occasions, and that he never saw in his House any Altar or Crucifix; he does not believe him to be a Papist, or that way inclined at the least, nor had any Reason or Ground to think or believe it.

Order'd, That Sir Thomas Littleton, or any other Member, that the House shall be informed of that were present when the Lord Shaftsbury spoke the Words relating to Mr. Pepys, do inform the House what they know of the Matter.

And Sir Thomas Littleton standing up in his Place, gave the House an account of the said Matter; whereupon it was

Resolved, That the further Debate of the Matter concerning the Election of Mr. Pepys for the Town of *Castlerising* be adjourned till *Saturday* come Sevenight.

Civitas de Chester & Comitatus ejusdem Civitatis.

1690.

D I E Jovis 27 Martii, 1690. A Petition of Roger Whitley and George Manwareing, Esquires; setting forth, that they were elected by the major Part of legal Electors of the said City and County of the City of Chester; but that the Sheriffs not joining in the Return, though Mr. Batho, one of them, was willing so to do, and tendered an Indenture, sign'd by him and the Electors for that Purpose to Mr. Partington the other Sheriff, who refused to join therein, and hath to the apparent Prejudice of the Petitioners returned Sir Thomas Grosvenor and Richard Leving, Esq; by another Indenture, without the other Sheriffs joining therein, and without their being duly chosen; and praying that the Invalidity of the said pretended Return may be examined, &c. Read and Referred

Die Luna 6 Octobris, 1690. being the second Session of that Parliament. The same Petitioners renew'd their Petition; setting forth, that they were duly elected Citizens to serve in Parliament for the said City: But by Combination between one of the Sheriffs with the Seal Keeper of the County Palatine, Sir Thomas Grosvenor and Richard Leving, Esq; are return'd; and praying the Consideration of the House, &c. Read and Referred.

Die Veneris 28 Novembris, 1690. *Order'd*, That the Report from the Committee of Privileges and Elections, touching the Election of Citizens to serve in this present Parliament for the City of Chester be made upon *Tuesday* Morning next.

Report.

Die Martis 2 Decembris, 1690. Mr. Gray reported from the said Committee, the matter of the Election for the said City, to them referred upon the Petition of Roger Whitley and George Manwareing, Esquires against the Return of Sir Thomas Grosvenor, Bar. and Richard Leving, Esq;

That the Numbers for each on the Poll stood thus, for	{	Sir Thomas Grosvenor	498
		Mr. Leving	494
		Mr. Whitley	484
		Mr. Manwareing	457

And it was agreed, that the Right of electing is in the Freemen of Chester.

On behalf of the Petitioners were called,

David Parry, who said 125 were made Free after the Teste of the Writ, whereof 91 voted for the fitting Member, and 23 or 25 voted for Mr. Whitley, and 22 for Mr. Manwareing of those so made Free; one was Selby an Apprentice to one Waltham, and 16 others that were Minors.

Bryan Bollard testified, there were in Chester several Almsmen who wore Badges and have 4 *l.* a year for their Lives, whereof five voted for the Petitioners, and eight for the fitting Members, and that his Son told him he had 10 *s.* to make him free.

That

That on the 18th of *March* he apprehended the Poll was only adjourned; for that Sheriff *Batho* said, he adjourned it, and the next Day 18 Freemen came to vote for the Petitioners, and were refused.

Street testified, that he was present when the new Freemen were made, and took notice of it to the Petitioners, and advised them to get some made free for them, but they deny'd it upon the Case of *Dartmouth*; that several Masters complained that their Apprentices were made free contrary to their Knowledge: That two (as he was told) had 12 s. a piece to vote for the fitting Members, but confessed himself was made free when a Minor.

Richard Cooper said, he went with three Men to the Boar, where Sir *Thomas Grosvenor* came to them, and they told him, that they had a mind to be made free, but wanted Money, and he bid them go to Mr. *Johnson* and let him look over their Indentures, and that if their Indentures were right they should have Money; and that Mr. *Johnson* looked over their Indentures; and they told him they had Money but he did not see them receive it; so that Mr. *Johnson* voted for Sir *Thomas Grosvenor*, and Sir *Thomas Grosvenor* lodged at his House.

John Orme said, he received of one *Bennet* 12 or 13 s. to make him free, and voted for Sir *Thomas Grosvenor*, and the other fitting Member *Richard Leving*, Esq;

Samuel Davis said, he received of *Johnson* and *Bennet* 32 s. to make him free, and voted for the fitting Members: Both *Orme* and *Davis* said, if they had not received that Money they would have voted for the Petitioners.

On behalf of the fitting Members were called

Thomas Wilcox, who said, he had known all Elections since the Restoration, and that a Son of a Freeman when capable of taking the Oath of Allegiance (*i. e.* at 16 years of Age) had voted, that Apprentices had Right to Freedom, if they come out of their time before 21 years of Age.

Mr. Skelham said, he was Mayor at the time of the Election, and has known the several Elections since the Restoration, and never knew any Freeman of *Chester*, young or old, rich or poor deny'd his Vote; that those who were made free, were either free-born or claimed by Service, and that none were ever put by their Freedom that were capable of taking an Oath; that the aforesaid Almsmen were never refused their Votes; that Alderman *Street* was active to bring Aspersions on Sir *Thomas Grosvenor*, on purpose to keep him off from being a Parliament Man.

William Wilson testified, that the aforesaid Aldermen always voted, and Minors if free always polled; that Sheriff *Partington* managed the Poll with Consent of Sheriff *Batho*, and made two Proclamations before the closing of the Poll, and then closed the Poll the 18th of *March*; that the next Morning the Books were cast up publicly, and the fitting Members declared to be elected.

Richard Hockinghull said, that he saw all the Proceedings, and he thought it a fair Election; that the Books were sealed up in Presence of Sheriff *Batho*, and that the said Mr. *Johnson* was a Tenant of one of the Petitioners.

And that upon the whole Matter the Committee came to the following Resolutions, as their Opinion, *viz.*

1. Resolved, That Sir *Thomas Grosvenor*, Baronet, is duly elected a Citizen to serve in this present Parliament for the City of *Chester*.

2. Resolved, That *Richard Leving*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Chester*.

The first Resolution being read a second time, and the Question being put, that the House doth agree with the Committee therein. The House divided Yea's 186. No's 185. So resolved in the Affirmative.

And the second Resolution being read a second time, was upon the Question agreed unto by the House.

Die Veneris 13 Decembris, 1695. A Petition of Sir *William Williams*, Knight and Baronet, Recorder, Alderman and Citizen of the said City; setting forth, that the Petitioner was engaged at the Request of Coll. *Roger Whitley*, Mayor, and divers other principal Citizens of *Chester* to stand to be elected one of their Members to serve in this present Parliament; and the Petitioner endeavoured to have the Writ sent to *Chester* before the 21st of *October* last (which was their County-Court-Day) but by Contrivance the same came not there till the 22d, whereby the Election was protracted to the 18th of *November*, during which time the Mayor and Sir *John Manwareing*, with Sir *Thomas Grosvenor* clandestinely consorted to frustrate the Petitioner's Election, and to have the Mayor and Sir *Thomas Grosvenor* elected, and to effect the same, they
Y made

made use of the Power of the Mayor over the Citizens, who had procured himself to be Mayor three Years, and prevailed to continue so for the present Year, and by large Declaration and Engagements of the Mayor and Sir Thomas to have a Common-Hall erected for the City, and vast Expences at the Election, and by Bribes and Menaces with Violence upon the Petitioners Voters, they prevailed with the greater Number of Voters, and were returned as duly elected in prejudice of the Right of the Petitioner and the said City; and praying the Justice of the House in the Premises, was read and referred.

Die Veneris 20 Decembris, 1695. A Motion being made, that Sir William Williams have leave to withdraw his Petition, touching the Election for the said City of Chester.

Resolved upon the Question, That Sir William Williams have leave to withdraw his said Petition.

1697. *Die Veneris 3 Decembris, 1697.* Order'd, That Mr. Speaker do issue his Warrant for making out a new Writ for electing a Citizen to serve for the said City, in the room of Roger Whitley, Esq; deceased.

Civitas de Chichester in Com' SUSSEX.

In Domesday Book under Title Chichester is no mention of any Burgefs only of Hagts or Houses, and that it paid 10l. yearly to the King, and 5l. to the Earl, in the time of Edward the Confessor, and that it was then worth but 25 l. yet paid 35 l.

1689. **D**IE Luna 24 Martii, 1689. A Petition of Rich. Farrington, Esq; setting forth, that in pursuance of a Writ under the Great Seal of England, a Precept issued from the Sheriff of the County of *Sussex* for the Election of two Citizens for the said City; and that after the Teste of the Writ, and before the Election divers Briberies and ill Practices were made use of to procure Votes for Sir Thomas Miller and Thomas May, Esq; notwithstanding which John Brayman, Gent. and the Petitioner were duly elected for the said City; and praying the Consideration of the House, and relief in the Premises, was read and referred. Also

A Petition of John Braman, Esq; that he was duly elected one of the Citizens at the last Election for Chichester, notwithstanding which John Cloudsley, Esq; the present Mayor, hath very illegally and wrongfully return'd Sir Thomas Miller and Thomas May, Esq; upon whom or their Agents the Petitioner can prove divers undue and unwarrantable Practices in procuring the Voices they had; and praying, &c. was likewise read and referred.

Die Luna 24 Martii, 1689. A Petition of Richard Farrington, Esq; that after the Teste of the Writ, and before the Election at Chichester in the County of *Sussex* for Members to serve in this Parliament several Briberies and ill Practices were there used to procure Votes for Sir Thomas Miller and Thomas May, Esq; to deter others from voting for the Petitioner, notwithstanding which the Petitioner and John Braman, Esq; were duly elected by a Majority of Votes, and yet the Petitioner is not return'd for one of the said Citizens; and praying the Consideration of the House, &c. read and referred. Also,

A Petition of John Braman, Esq; setting forth, that the Mayor by Combination with Sir Thomas Miller and Thomas May, Esq; and others hath illegally return'd them, tho' not duly elected, was likewise read and referred.

And see the following Session both Petitions revived, viz.

Die Jovis 16 Octobris, 1690. A Petition of Richard Farrington, Esq; that in pursuance of a Writ under the Great Seal a Precept issued from the Sheriff of the County of *Sussex*, for Election of two Citizens for the City of Chichester; and after the Teste of the Writ, and before the Election divers Briberies and other ill Practices were made use of to procure Votes for Sir Thomas Miller, and Thomas May, Esq; notwithstanding which the Petitioner and John Braman, Esq; were duly elected; read and referred. Also,

A Petition of John Braman, Esq; that he was duly elected for the said City. But that John Cloudsley, Esq; the then Mayor hath returned Sir Thomas Miller and Thomas May, Esq; tho' not duly elected; read and referred.

Burgus de Chippenham.

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Die Mercurii 4 Novembris, 1691. i.e. In the next Session Sir Richard Farrington again Petitions the House; setting forth, that he was duly elected for the said City of *Chichester*; yet by many Briberies, Threats and Promises Sir *Thomas Miller*, and *Thomas May*, Esq; have procured themselves to be return'd; and praying the Consideration and Relief of the House in the Premises; read and referred. 1691.

Die Sabbati 30 Novembris, 1695. A Petition of *John Braman*, Esq; setting forth, that the Petitioner was duly chosen (by the Majority of rightful Voters) to be one of the Citizens to serve in this present Parliament for the said City; but the Mayor of the said City hath returned *William Elson*, Esq; who obtained many Voices by Bribery and many other undue means; and praying the House to take the Premises into Consideration, and to do therein according to Justice, was read and referred. 1695.

Burgus de Chippenham in Com' WILTS.

DIE Luna 24 Novembris, 1690. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough of *Chippenham*, in the room of *Richard Kent*, Esq; deceased. 1690.

Die Martis 16 Decembris, 1690. A Petition of *Humphry Edwin*, Esq; that he was duly elected by a majority of Burgesses for the said Burrough of *Chippenham*, tho' many Practices were used by Sir *Bazil Firebrass*, and Mr. Lord, Bailiff of the Town, as the Murthering one of the Petitioner's Messengers, and turning one that appeared for the Petitioner out of his House, and putting another therein to vote for Sir *Bazil*; besides many other riotous Proceedings, and bribing of Electors. And he prevailed with the Bailiff to return him in Prejudice to the Petitioner; and praying the Consideration of the House, &c.

Order'd, That the Merits of the Election for the Burrough of *Chippenham* be heard at the Bar of this House, upon this Day three Weeks: But it was not heard this Session. For,

Die Martis 27 Octobris, 1691. The said *Humphry Edwin*, Esq; renews his Petition; setting forth, that he was duly elected for the said Burrough of *Chippenham*, in the room of *Richard Kent*, deceased, notwithstanding many ill Practices were used by Sir *Bazil Firebrass*, Mr. Lord the Bailiff, and others, by which means the Bailiff return'd Sir *Bazil Firebrass*, in Injury to the Petitioner; and praying the Consideration of the House, &c. read and referred. 1691.

Die Veneris 27 Novembris, 1691. Order'd, That the Report from the Committee of Privileges and Elections, touching the Election for the said Burrough (*Vide the Votes in Com' Middlesex*) be made upon Tuesday Morning next at nine a clock.

Die Martis 1 Decembris, 1691. Mr. Serjeant *Trenchard* according to the Order Report of the Day reported from the Committee of Privileges and Elections, the Case of the Election of the said Burrough, referred to the Committee upon the said Petition of *Humphry Edwin*, Esq; against the Return of Sir *Bazil Firebrass*, Kn^t. as follows, viz.

That the Right of Election appeared to be in the Occupiers of certain antient Houses, called Free-houses or Burgage-houses, of the Names of which Persons both Men and Women a Register has been used to be kept in the said Town: So that the Question was,

Whether the fitting Member or the Petitioner had the Majority of those Freemen, or Occupiers of the said Houses.

That the Election was on the 9th of December, and on the 8th of December one *William Hobbs* came and demanded of the Town-Clerk a List of such Persons as had a Right to elect, which List was produced to the Committee.

That *Hobbs*, *Gabriel Goldney*, *William Scott* and *Gabriel Norris* testified, that the List was delivered by the Town-Clerk, and agreed to by the Bailiff and Burgesses, and *Goldney* delivered in a Poll which he said he had taken for his own Satisfaction, and said, that of those in the List delivered by the Town-Clerk, Sir *Bazil Firebrass* had 52. and Sir *Humphry Edwin* 56.

That

That on behalf of the fitting Member was produced.

Thomas Webb the Town-Clerk, and *Mr. Lord* the then Bailiff, who testified, that a Common-Hall was called to agree the Electors, but several Objections being made on both sides, the Bailiff order'd, that a List should be given to all that claim'd a Right, and afterwards should be submitted to a Scrutiny.

That the Poll being ended a Scrutiny was demanded, and the Bailiff agreed to be a proper Judge.

That upon the Scrutiny, Four that voted for *Sir Humphry*, viz. *William Russell*, *John Jones*, *Henry Short* and *John Starr*, were disallow'd as not being House-holders, and they being stru't out the Poll was, for *Sir Basil Firebrass* 53. for *Sir Humphry Edwin* 52.

That the Petitioner endeavour'd to justify those Votes, and called *Mr. Hobbs*, who said, *Russell* had voted in four Elections, and *Jones* in two or three, and that *Short* had been called to vote in two or three Elections, but that he refused to vote.

And that they endeavoured to disqualify the following Voters for *Sir Basil*, and *Mr. Hobbs* and *Mr. Scott* testified, that *Rolls* lived with his Daughter, *Whiltshire* and *Power* lived with their Fathers, *Nash* and *West* lived with their Mothers, *Barnes* lived out of Town, and *Lake* did not live in any Free-house, *Gurgevill* came in the Night before the Election, *Hebb* lived in a Stable, *Fisher* rented a Free-house, but lived in one that was not Free.

That the Votes of the first four (stru't out at first by the Bailiff) were disqualified as not House-keepers, by the said *Mr. Lord*.

Webb and *Chappell* likewise testified, that the other Persons objected against by the Petitioner were House-holders; so that Matter seem'd to depend on the Credit of the Witnesses only.

As to *Gurgevill* the Question was, whether he had a legal Possession? It being said, that he came in but the Night before the Election, but he continued for a quarter of a Year after; and *Lippit* that had been in before him had been in but a Week.

Capell and *Hodges* testified, that *Sir Humphry Edwin* had promised to give *Hobbs* a good Place; that he was engaged to give him his Vote, and that *Sir Humphry* came into *Gage's* House and saluted his Wife, and put a Guinea into her Hand, and promised *Gage* next Opportunity he should be a Gauger; and thereupon *Gage* promised to do his Business, and that after the Election *Sir Humphry* bid his Man give *Searl* some Money, which his Man did accordingly.

Robert Taylor a Boy of 19 or 20 Years, said, his Uncle had 30s. to vote for *Sir Humphry*.

That for the Petitioner was called *Barnes*, who testified, that he heard his Father say, that *Ady* promised him 40s. to vote for *Sir Basil Firebrass*, and that *Ady* was *Sir Basil's* Agent.

Tarr said, he heard *Barnes* say, that *Ady* gave him Money to vote for *Sir Basil Firebrass*.

That the fitting Member called *Ady* to speak to that Matter of his giving Money to vote for *Sir Basil Firebrass*, but it was objected to by the Petitioner.

And that upon the whole Matter the Committee came to the following Resolution, viz.

That *Sir Basil Firebrass* is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Chippenham* in the County of *Wilts*.

And the Question being put, that the House do agree with the Committee in the said Resolution. The House divided Yea's 147. No's 151. So it passed in the Negative.

Then the Question being put, that *Sir Humphry Edwin* is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Chippenham*. It passed in the Negative. And,

Resolved, That the late Election of a Burgess to serve in this present Parliament for the said Burrough of *Chippenham* in the County of *Wilts*, in the room of *Richard Kent*, Esq; deceased, is a void Election.

Ordered, That *Mr. Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Burgess to serve in this present Parliament for the said Burrough of *Chippenham*, in the room of *Richard Kent*, Esq; deceased.

1691. *Die Mercurii* 23 Decembris, 1691. The House being informed, that the Election for the Burrough of *Chippenham* in the County of *Wilts* hath been over a considerable time, but that the Sheriff hath not yet made his Return into the Crown-Office.

Order'd,

Order'd, That the Sheriff of the said County of Wilts do immediately bring in his Return for the said Burrough of Chippenham.

Die——*Januarii*, 1691. A Petition of the Burgeses and Freemen of the said Burrough of Chippenham, complaining of an undue Election and Return of Sir *Bazil Firebrass*, Kn^t. to serve in Parliament for the said Burrough, was read and referred.

Die Mercurii 20 *Januarii*, 1691. *Order'd*, That the Chairman of the Committee of Privileges and Elections do report the Matter, touching the Election for the said Burrough of Chippenham upon Friday Morning next at ten a clock. And accordingly,

Die Veneris 22 *Januarii*, 1691. Mr. Serjeant *Trenchard* according to the Order 1691. of the Day reported from the said Committee, the Case of the Election for the said Burrough of Chippenham. *Report.*

Upon the Petition of the Burgeses and Freemen of the said Burrough against the Return of Sir *Bazil Firebrass*, Kn^t. as follows, *viz.*

That the Right of Election was agreed to be in the Possessors of Burgage Houses inhabiting within the same.

The Number on the Poll were for { Sir *Bazil Firebrass* 60
Major General *Talmash* 44

Besides which three of Sir *Bazil's* Voters, and five of the Major General's were disallow'd by the Bailiff.

The Petitioners made several Objections to several of the Voters for the fitting Members, *viz.* that seven did not live in Burgage Houses; that six others received Bribes, and that one was menaced.

Thereupon some of those that were excepted to for not living in Burgage-Houses were justified, and the fitting Member offered to justify the rest, but the Petitioners waved that Objection and insisted only on the Matter of Bribery.

And on this Head the Petitioners called *Thomas Ladd*, who testified, that *John Gill* told him, that he had received 20 s. to vote for Sir *Bazil Firebrass*, but did not say who gave it him.

John Edwards said, that *John Weston* coming to his House on the 5th of December, he asked him what made him lose his Market, and that *Weston* told him he should be paid for his Market by Sir *Bazil Firebrass*, and should get 100 l. besides, for a vote was then worth 1000 l. that Sir *Bazil* was not then at the Town.

That upon the 12th of December, Mr. *Goddard* asked *Richard Salmon* why he would not be govern'd by his Neighbours, who answered, they will not give as much as Sir *Bazil Firebrass*. That thereupon *Goddard* asked what he had, and *Salmon* replied, he meant it as a Snare for him.

Margaret Burges said, Mr. *Webb* gave her a good Waistcoat for her Husband, and a Dressing for her self, and promised her a Bushel of Wheat, and a pair of Breeches for her Husband, to vote for Sir *Bazil Firebrass*.

That she gave her Husband the Waistcoat, and told him upon what account; that Mr. *Webb* shew'd her three Letters sent to him, to make an Interest for Sir *Bazil*, and read them to her; but there was no Order for any Gifts in those Letters; and said that she cannot read.

John Burges confirmed what his Wife said about the Waistcoat; and that before he design'd to vote for Major General *Talmash*; that the Morning before the Election he went to the Bell and there was Lord, *Stallier*, *Tranter* and *Chappell*; and that they told him it would be the best days Work he could do to vote for Sir *Bazil Firebrass*.

That Sir *Bazil* asked him if his Man had offered him 5 or 6 l. for a Hogsheaf of Beer.

That he did not draw the Beer upon Sir *Bazil's*, but General *Talmash's* Account, nor was profer'd any Money.

William Bedford said, that one *White* asked *Ambrose Thurman* to vote for Major General *Talmash*, but he said he could not, for he had taken Sir *Bazil's* Money, and that the said *Thurman* sells Drink.

Thomas Ladd said, that one *Long* came to *John Gales* two Days before the Election, and that *Long* said, they wanted a Shoemaker of their side; and that if they had they would provide for him as long as he lived without working.

Gale said, that Sir *Bazil* came to his House and said, that he was about buying *Coasham* Farm, and that if he would vote for him, he would maintain him as long as he lived without working.

Dobson said, that he drew Drink for Sir *Basil* at the first Election, for which there was 12*l.* 15*s.* owing to him; and that at this Election Mr. *Hind*, Sir *Basil's* Servant came to him and desired him to vote for Sir *Basil*, and said he would not pay him unless he promis'd to do so, but would pay him if he voted for Sir *Basil Firebrass*.

That afterwards Mr. *Ady* said, he would see him paid if he would stand Neuter.

That at the first Election he voted for Sir *Humphry Edwin*, and at this Election for Major General *Talmash*.

Henry Lawrence said, that *Thomas Long* at the former Election gave him 10*s.* per Hoghead for ten Hogheads to vote for Sir *Basil*, which was really worth but 3*l.* per Hoghead.

Walter Delavall said, that at the former Election, Mr. *Stanhope* came to his Shop and offered him 5*l.* for a Barrel of Beer on Sir *Basil's* Account.

John Short said, that one *Robins* came to him and desired him to act for Sir *Basil*, and said he had a Tub of Money, and would lend him 40*l.* for two Years without Interest.

Walter Ladd said, that *John Emmet* told him, that his Landlord threatened to turn him out of his House if he did not vote for Sir *Basil*; that he did vote for him at the former Election.

For the fitting Member the Council insisted.

That this Evidence should not affect Sir *Basil*, but only the particular Members are called.

Thomas Chappell, who said, that an hour before the Election, *Burgefs* came to his House; that some supposing him a Spy, asked him what he came for, he said he came to vote for Sir *Basil*, and said he would speak with him; that afterwards he told Sir *Basil* he would vote for him; that thereupon Sir *Basil* told him, he was free to do what he would, and asked him if any one persuaded him, and that he and his Wife protested there had not.

That afterwards he voted for Sir *Basil*, and there was a great shout.

That Mrs. *Webb* is a Charitable Woman, and without her Relief *Burgefs's* Family had come to the Parish before.

Hind said, that he was at the Bell at the time Mr. *Chappell* spoke of; That when *Burgefs* came in he did not know him, but called him *Thomas Carter*; but some said he was a Spy, and bid him turn him down Stairs; that he was looked on as a Spy, because he had always been on the other side; that Sir *Basil* took him into the middle of the Room and told him, there was a Whispering as if some body had bribed him, and that he said no body had.

That he then claped his Hands together, and wished they might never part if any body had given him any thing to vote; and then Sir *Basil* said, he would give him no Consideration but thanks.

That Sir *Basil* had 60 Voters without him, and as soon as he had voted he was hurry'd away; that he never directly or indirectly paid more than the ordinary Rate for Drink, viz. 3*l.*

And then confronted with *Dobson*, deny'd that he had made him any Promise for his Vote.

Ady being confronted with *Dobson*, deny'd likewise, that he made him any Promise to stand Neuter.

Benjamin Woodward said, he was at the Bell the Day before the Election, and that *Burgefs* came in, and the Freemen were angry, and said, he was a Rogue, and desired him to tell Sir *Basil* so.

That he offer'd to vote for Sir *Basil*, and Sir *Basil* said, he might vote for whom he would.

Joseph Slade said, that *Margaret Burgefs* came to him the Sunday sevenight before the Election, and desired him to speak to Mr. *Hind* to tap his Drink, for she had not a Farthing to save her Soul, and that he told Mr. *Hind*, but he would not yield to it, nor lend her any Money.

Thomas Webb, *Susan Slade*, and *Edmund Rufs*, said,

That *Walter Scott*, who voted for Major General *Talmash* came to him as he stood at one *Barnet's* Door in the Street, in company of several Persons, and asked him to vote for Sir *Basil*; that he told him he was not concerned in that Matter, and that *Scott* said, he would give him a Guinea to vote for Sir *Basil*, and by that means he should make the Election void.

That he had voted at the former Election, and at this, but was disallowed, tho' he then paid the Rent.

Scott being called to confront him, confess'd, that he did in a Jocular way, say, he would give him a Guinea, but deny'd he said any thing of making the Election void.

Richard Eland said, that *Gale* told him, that he had three Guineas for drawing of 12 Flaggons of Beer on Major General *Talmasb's* Account, which was given him by *James Croome*.

Gale confronting, deny'd the Words, but said, he had 3 *l.* for a Hogthead of Beer after the Election.

John Hackman said, he was sent for to the Bear at *Chippenham*, and the Mayor put his Hand in his Pocket and pulled out some Money, and told him he should take what he would, if he would vote for Major General *Talmasb*; and one said if he should bring 20 dozen of Cards he would buy them, if he would vote for the said Major General, or otherwise he would not deal with him; but the Mayor afterwards put the Money up again in his Pocket.

Joseph West said, he was with *Walter Scott* and others, and that they told him, they had 30 *l.* of Sir *George Speck's* Money, and if he would vote for the Major General he should have the greatest part of it; that the next Night he went to *Henry Lawrence's*, and told him, if he wanted 30 or 40 *s.* to buy Leather, he should have it, provided he would vote for Major General *Talmasb*.

Capt. Scott said, that *John Scott* had threaten'd *John Short* to send him to Goal if he voted for Sir *Bazil Firebrass*.

And that upon the whole Matter the Committee came to the following Resolutions, viz.

1. " That Sir *Bazil Firebrass*, Knt. and his Agents are guilty of Bribery, in procuring Votes at the Election of a Burgefs to serve in this present Parliament for the said Burrough of *Chippenham* in the County of *Wilts*.

2. " That Sir *Bazil Firebrass* is not duly elected a Burgefs to serve in this present Parliament for the said Burrough of *Chippenham* in the County of *Wilts*.

3. " That *Tho. Talmasb*, Esq; is duly elected a Burgefs to serve in this present Parliament for the said Burrough of *Chippenham* in the County of *Wilts*.

The first Resolution being read a second Time, and the Question being put, that the House do agree with the Committee in the said Resolution. The House divided, Yea's 157. No's 92. So it was resolved in the Affirmative.

The second and third Resolutions were upon the Question severally put; thereupon agreed unto by the House.

Order'd, That the Clerk of the Crown do attend this House to morrow Morning, to amend the Return for the said Burrough. And according

Die Sabbati 23 Januarii, 1691. The Clerk of the Crown attended, and amended the said Return for the said Burrough of *Chippenham*, by striking out the Name of Sir *Bazil Firebrass*, Knt. and inserting that of *Thomas Talmasb*, Esq;

Die Lune 12 Novembris, 1694. being the sixth Session of that Parliament. Order'd, 1694. That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgefs to serve for the said Burrough, in the room of *Thomas Talmasb*, Esq; deceased.

Die Lune 3 Decembris, 1694. A Petition of several Burgeffes and Freemen of the said Burrough, in behalf of themselves and others; setting forth, that Sir *Bazil Firebrass* was on the 19th of *November* last duly elected a Burgefs to serve in this present Parliament for the said Burrough, in the room of *Thomas Talmasb*, Esq; deceased; yet the Bailiff of the said Burrough hath returned *Richard Long*, Esq; as duly chosen; and praying the Examination of the House, and Relief in the Premises, was read and referred to the Committee of Privileges.

Die Martis 1 Januarii, 1694. Order'd, That the Report from the said Committee, touching the said Election, be made upon *Saturday* Morning next at 11 a clock. And accordingly

Die Sabbati 5 Januarii, 1694. Mr. *Boyle* reported from the said Committee, the Matter of the said Election as it appeared to them, with their Resolution thereupon, viz. Report.

Upon the Petition of several Burgeffes of the said Burrough, complaining of an undue Return of *Richard Long*, Esq; to serve for the said Burrough; and alledging, that Sir *Bazil Firebrass*, Knt. was duly elected to serve for the same. The Council hath examin'd the Merits of that Election.

That

That the Right of Election was agreed to be in the Freemen and Inhabitants of the Burrough Houses.

That the Majority of the Poll was with the fitting Member; the fitting Member having 67. and Sir Basil but 51 Voices.

That the Council for the Petitioners alledged, that there was upon the Poll 22 for the fitting Member that were unqualified to vote in that Election; but it being also alledged, that this was only to be proved by such as had sign'd the Petition, (who by the Opinion of the Committee were not good Witneses for that Purpose) that Matter was no further insisted on, but the Majority remain'd with the fitting Member; and the Petitioner's Council applied themselves to prove several Irregularities in the procuring Voters for the fitting Member. And called

Mr. *Thomas Stoakes*, who testified, that several Gentlemen of the Neighbouring Villages, above the Number of 20, came to *Chippenham* to make an Interest for the fitting Member, Mr. *Long*, and threaten'd the Electors to withdraw their Work and Custom from several of the Electors, if they would not vote for Mr. *Long*.

Robert Taylor testified, that Mr. *Long* the fitting Member gave him 1 s. and promised him two Guineas to procure his Brother to vote for Mr. *Long*; that upon this Promise he did engage his Brother to vote for Mr. *Long*, though his Brother did not design to vote for him before; but afterwards when he asked Mr. *Long* for the two Guineas, he told him, that he knew nothing of that Matter.

William Taylor, Brother of the said *Robert Taylor* testified, that his Brother had told him of Mr. *Long*'s Promise of two Guineas, as was before testified by his Brother, which caused him to vote for Mr. *Long*, though he was before inclined to vote for Sir *Basil Firebrass*; and further said, that Mr. *Scott*, an Agent for Mr. *Long*, offered to lend him 50 l. if he would vote for Mr. *Long*, which he refusing to accept of, the said *Scott* promised him 20 Bushels of Wheat, but he has not received the Wheat: He also said, he was bred a Shoemaker, but now works by the Day at Husbandry; that he was refused to be made Free, unless he would vote for Mr. *Long*.

Oliver Hill testified, that one *Thomas Russel*, who voted for Mr. *Long*, told him, that he had 10 l. to vote for Mr. *Long*; and *William Morley* testified, that *Richard Goddin* told him, that Mr. *Long* had a Bond upon him that he should not fish in certain Waters, and that he delivered him up the Bond to vote for his Brother, and gave him leave to fish; but the Bond was afterwards produced on behalf of the fitting Member.

John Stevens testified, that *Philip Gage* told him, that Mr. *Long* the fitting Member gave the said *Gage* a Horse of 4 or 5 l. Value, and 3 l. in Money to vote for him; and Mr. *James Stoakes* testified, that in September he came to *Chippenham*, and asked *Thomas Stickle* which way he was inclined; and that the said *Stickle* answer'd, he was for Sir *Basil*, but there was 20 l. in the way; and *John Cooke* testified, that *Stickle* told him, that if he could help him to 20 l. due to one of the *Longs*, he would vote for Sir *Basil*, otherwise they would ruin him.

Walter Bond, a Porter testified, that Mr. *Long* when he came to Town sent for him, and desired his Vote, and gave him 2 s. and 6 d. and promised to gratifie him further. The said *Bond* also declared, that he had invited several of the Burgeesses, as well on behalf of the fitting Member, as Sir *Basil*, but had received no Money of Sir *Basil*, and that he voted for Mr. *Long*.

Robert Taylor testified, that Mr. *Long* went to one *Goody Seryl's* and told her, he heard she would let her House; that he would give her more than any body for it: That she not being willing to dispose of her House, Mr. *Long* called for Ale, and sent abroad for Brandy, which he put into it, and made her drink, and took the Key out of her Bosom, and thrust her out of Doors, and hath kept her out ever since; that Mr. *Long* afterwards appointed her Lodgings at the White-Hart.

That *Henry Lant*, who voted for Mr. *Long*, lay in a Burrough-house one Night only, but the House he lived in was not a Burrough-house: And *James Stoakes* testified, that *William Guy* was a single Man and lived with his Father.

That for the fitting Member was produced *Elizabeth Light*, who testified, that Mr. *Scott* some time before the Election met *Taylor* in her House, and asked him if ever he promised the said *Taylor* 20 Bushels of Wheat; that *Taylor* said, no, and says, Mr. *Scott* never will, nor shall you have any Wheat without Money.

Robert Elliot testified, that he was in Company with *Walter Bond* before examin'd, the next Day after Sir *Basil* came to *Chippenham*; and that he said, Sir *Basil* had given him 40 s. and a silver Tobacco-box to Mr. *Chappell* to be serviceable to him; that he shew'd him four half Crowns, and offered to lend him two: He the said

Bond further saying, that *Sir Basil* did not expect it by Majority, but would make Bribery of it.

John Jones testified, that *Bond* told him, *Mr. Long* gave him the half Crowns for inviting the Freemen, and that *Sir Basil* had given him 40 s. to buy him Glóves.

John Browning testified, that he was present when *Gage* bought the House before-mention'd of *Mr. Long*, and bargain'd for 3 l. for it.

Henry Lawrence testified, that *John Etwell*, one of the Petitioners upon discourse, that *Mr. Long* had more Votes said, what then? It was but going to the Parliament House and telling a few lies; and that he should get 100 l. if *Sir Basil* carry'd it, but should get nothing by *Mr. Long*. And *James Ladd* testified, that discoursing with one *Willis* that voted for *Sir Basil*; *Willis* said, that rather than *Mr. Long* should sit in the House of Commons, he would have some body go up and say any thing.

William Zaley testified, that *Thomas White*, who acted for *Sir Basil Firebrass* came to his House, and pulled out 5 l. and said, he would give him that Money, if after he had voted for *Mr. Long*, he would say *Mr. Long* had bribed him. This *Zaley* had been Servant to *White*.

Bentley Head testified, that *Mr. Ady* (one of the Petitioners) came to *Thomas Slade's* and said, if *Joseph Rufs* would be an Evidence against *Mr. Long*, it should be 40 s. and upwards in his way; and that *Chappell*, another of the Petitioners, offered *John Gell* 10 l. for a Hogthead of Beer, and after that rate for four or five more, if he would vote for *Sir Basil*. And *John Gate* testified, that *Mr. Chappell* the Petitioner would have had him go to the Fair and have bought some Leather on *Sir Basil's* Account, but he refused it; and *Mr. Ady* told him, if he owed Money he would see it paid.

And that upon the whole Matter the Committee resolved, as their Opinion, viz.

“ That *Richard Long*, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of Chippingham.

To which Resolution the House on the Question agreed.

Burgus de Chipping-Wiccombe in Com' Bucks.

DIE Jovis 22 Oðobris, 1691. Order'd, That *Mr. Speaker* do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this Parliament for the said Burrough, in the room of *William Jepsen*, Esq; deceased. 1691.

Die Martis 3 Januarii, 1698. This Day the House was called over, and the Name of *John Archdale*, Esq; a Burgess for the said Burrough of Chipping-wiccombe being called over a second time, *Mr. Speaker* acquainted the House, that *Mr. Archdale* had been with him that Morning, and delivered him a Letter sealed, which *Mr. Speaker* presented to the House, and the same was opened and read, viz. 1698.

SIR,

UPon the Call of the House it will appear, that I am duly chosen and return'd to serve in Parliament for the Burrough of Chipping-wiccombe in the County of Bucks; and therefore I request of thee, to acquaint the Honourable the House of Commons the Reason I have not as yet appeared; which is, that the Burgesses being voluntarily inclined to elect me, I did not oppose their Inclinations, believing, that my Declarations of Fidelity, &c. might in this Case as in others, where the Law requires an Oath, be accepted. I am therefore ready to execute my Trust, if the House think fit to admit of me thereupon; which I do humbly submit to their Wisdom and Justice, and shall acquiesce with what they will be pleased to determine therein. This being all at present, I remain thy real and obliged Friend,

London, the 4th of the 11th Month
called January, 1697.

John Archdale.

Order'd, That the Contents of the said Letter be taken into Consideration, upon Friday Morning next; and that the said *Mr. Archdale* do then attend this House.

Burgus de Clitheroe.

Die Veneris 6 Januarii, 1698. The House being informed, that Mr. *Arbdale* attended according to order; his Letter to Mr. Speaker was again read. And the several Statutes qualifying Persons to come into and sit and vote in the House, were likewise read, viz. 30 Car. 2. 1 W. & M. & 7 & 8 W. & M.

And then the said Mr. *Arbdale* was called in. And he came into the middle of the House, almost to the Table, and Mr. Speaker by Direction of the House asked him, whether he had taken the Oaths, or would take the Oaths appointed, to qualify himself to be a Member of the House.

To which he answer'd, that in regard to a Principle of his Religion he had not taken the Oaths, nor could take them. And then he withdrew.

Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to issue a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough of *Chipping-wiccombe*, in the room of the said Mr. *Arbdale*, who has refused to qualify himself to be a Member of this House by taking the Oaths by Law appointed for that Purpose.

Burgus de Christ Church in Com' SOUTHAMPTON.

Rot. Pat.
21 E. 1.
M. 3.

The Mannor of Christ Church in Hampshire, with the Inheritance was conveyed to Edward the First, by Avelin de Fortibus, Countess of Devonshire, by a Grant 21 E. 1. And the sworn Burgesses of the Baron Jury of the Court in this Town choose Parliament Men. They also choose two Persons, and present them to the Steward, of which he takes one and swears him Mayor.

1690. *D*IE *Veneris 28 Martii, 1690.* A Petition of *Thomas Hooper* and *Thomas Dore*, Esquires; setting forth, that they were duly elected by the Majority of qualified Voices for the said Burrough of *Christ Church*; notwithstanding which, *John Stevens*, Gent. now Mayor of the Burrough, hath illegally returned *William Etterick* and *Francis Gwyn*, Esquires; and praying the Consideration of the House, and relief in the Premises; read and referred.

Die Mercurii 15 Octobris, 1690. In the next Session the said Petitioners renew their Petition, viz. That they were duly elected Burgesses for *Christ Church*; but that in wrong to the Petitioners, *William Etterick* and *Francis Gwyn*, Esquires, are returned, though the Petitioners had by much the Majority of legal Electors; read and referred.

Die Luna 2 Novembris, 1690. The said Petitioners again renew their Petition; setting forth, that they were duly elected for the said Burrough of *Christ Church*, but that *John Stevens* the Mayor of the said Burrough, had against all Right returned *William Etterick* and *Francis Gwyn*, Esquires; though the Petitioners had the Majority of legal Electors; and praying the Consideration of the House and relief in the Premises; read and referred.

1691. *Die Luna 9 Novembris, 1691.* *Order'd*, That *Thomas Hooper* and *Thomas Dore*, Esquires, be at liberty to withdraw their Petition, touching the Election for the said Burrough of *Christ Church*.

Burgus de Clitheroe in Com' LANCASTER.

1693. *D*IE *Martis 7 Novembris, 1693.* being the Fifth Session of the six Years Parliament. *Order'd*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Anthony Parker*, Esq; deceased.

Die Veneris 15 Decembris, 1693. A Petition of the Bailiffs and Burgesses of the Corporation of *Clitheroe* in the County of *Lancaster*. And also a Petition of *John Uveddall*, Esq; which was formerly order'd to lie on the Table, were read, and both of

of them complaining of an undue Election of *Fitton Gerrard*, Esq; as a Burgess for the said Burrough, were referred to Examination and Consideration of the Committee of Privileges and Elections.

Die Martis 9 Januarii, 1693. Order'd, that the Hearing touching the Election for the said Burrough before the said Committee, be put off from *Friday* till *Monday* next.

But *Die Lune 29 Januarii, 1693.* Order'd, That the said Report be made upon *Friday* Morning next at 11 a clock. And accordingly

Die Veneris 2 Februarii, 1693. Mr. *Bowyer* reported from the Committee of Pri- *Report.* vileges and Elections, the Case touching the Election for the said Burrough of *Clitheroe*, upon the Petition of *John Uveddall*, Esq; and also upon the Petition of the Bailiffs and several Burgesses of the said Corporation, complaining of an undue Return of *Fitton Gerrard*, Esq; to serve for the said Burrough.

That the said Committee had examined the Merits of the said Election; and it was agreed on both sides, *That the Right of Election was in the Burgesses and Freemen of the said Burrough.*

The Burgesses were such as had in any Lands or Houses in the said Burrough, an Estate of Freehold or Inheritance, and they were of two sorts, viz. *Out Burgesses*, that lived out of the Burrough, and *In Burgesses* that lived in the Burrough, and had such Estates in Houses or Lands there, and both these had right of Election.

The *Freemen* were such as lived in the Houses within the Burrough as Tenants, and they had right of Election when their *Landlords* did not vote for those Houses; but when they did vote, the *Tenant* had no right of electing.

It was likewise agreed, that there was every Year a Jury of Inquiry made, and kept on foot for some time of the Year, to inquire into this Right of Burgesses and Freemen; and upon their finding of it, the Persons so found were entered in a Book called the *Call-Book*, and sworn, and out of this Jury the Bailiffs were sworn.

It was also agreed, that Mr. *Roger Manwaring*, the Bailiff that return'd the sitting Member was found a Burgess by that Jury, and entered into the Book and sworn, that there are two Bailiffs, one called the *Out Bailiff*, chosen by the *Out Burgesses*, and the other the *Inn Bailiff*, chosen by the *In Burgesses*; and that the *Out Bailiff* is the Chief and hath the Precedency.

But for the Petitioner it was objected, that Mr. *Manwaring* was not duly chosen Bailiff, having been put up with Mr. *Wilkinson*, the Petitioner's Uncle, who had equal Votes, and was sworn in, and Mr. *Manwaring* was never sworn, being a Minor under twenty one.

To prove which, was produced an Extract of the Register-Book of *Swetnam*, by which it appear'd he was Christened the 19th of *June, 1673.* neither did he ever act as Bailiff, but in the Business of the Election.

That the whole Number of Electors at the time of the Election was 85, Burgesses and Freemen; and that upon a Poll taken before *Wilkinson* and *Lister* the Bailiffs in the Town-Hall, (which is the proper Place for making the Election; and to which Place *Lister* the *In Bailiff* adjourned from the Shambles where the sitting Member's Poll was taken) and that upon the Poll there, the Petitioner had 26 Burgesses and 19 Freemen, 45 in all, but none there gave any Vote for any body else but the Petitioner, though a place was left for those that would have voted for any body else; that after the Poll was ended, one Proclamation was made, that all that had right to vote should come; that afterwards the Petitioner was declared by the said Bailiffs duly elected, and an Indenture drawn up and signed by Bailiffs and Electors, and sealed with the Common Seal of the Burrough according to the Custom, and rendred to the Sheriff to be annex'd to the Precept, who told him, he had before annex'd to it another Indenture, whereby the sitting Member was return'd: This was proved by *Whittacre*, *Kenyon* and *Oddy* the Town-Clerk.

And *Oddy* also testified, that he was profered by one *Capt. Crofts* something should be worth five Guineas, if he would vote for the sitting Member, but had nothing given him, nor voted for him, but for the Petitioner.

Nowell said, that he saw Mrs. *Parker* offer an Elector 40 s. to vote for Bailiff *Manwaring* and the sitting Member.

But on behalf of the sitting Member it was proved against the last Witness, that he was a Thief, and had stolen one and twenty pair of Shoes; and Mrs. *Parker*, the Widow of the deceased Member deny'd, that she ever made any such Offer; and with all she testified, that this *Nowell* was one of her Chairmen, and the other Chairman was

was arrested by means of the Petitioner, and thereby hindred from being in Town to testifie this, as he sent her Word since she came to Town.

It was likewise testified on behalf of the fitting Member, that Mr. *Wilkinson* having a great Power in the Burrough, not only got Voices for his being Bailiff, by treating the Burgeffes and Freemen, but also got Subscriptions of them for the Petitioner's being Recorder, and swore him in a Tipling-House without due Election, in order to his Election for a Member of Parliament.

That the Jury of Inquiry was discharged by a Note under the Hand of one of the Bailiffs, when severall Burgeffes and Freemen were ready to tender themselves to make out their Right and be sworn; whereas the Jury never used to be discharged but by both the Bailiffs.

That indirec[t] Means were used to hinder the Jury from meeting to this Purpose; and that thereby Mr. *Bradshaw* and severall others were hindred from being found by the Jury and sworn, and put in the *Call Book*, and thereby deprived of their Votes at the Election for Members of Parliament.

This was testified by Mr. *Bradshaw* and by *Edward* and *John Robinson*, who likewise testified the Fairness of the Electors of the fitting Member in these Particulars, viz. that the Sheriff when he came to Town with the Precept, called both the Bailiffs together, viz. *Manwaring* and *Lister*, and told them his Business, and without any Contradiction of *Lister*, who was the *In Bailiff*, gave the Precept to *Manwaring*, who was the *Out Bailiff*, and had the Precedency in all Matters.

That then it was agreed, that the Day of Election should be on *Monday* the 30th of *November*, and Papers of Notice were put up in the Street, though afterwards it was countermanded by *Lister*.

That on the Day appointed, both the Bailiffs meet in the Town-Hall; but because there was too great a crowd, *Manwaring* by his Clerk that was an Officer of the Town adjourned to an open Place, call'd the *Shambles*, and there read the Precept, and proceeded to a Poll, wherein the fitting Member had 45 Votes for him, and one for Mr. *Pudsey*, but none for the Petitioner; and that after the Poll was ended, Proclamations were regularly made, and the fitting Member declared, and an Indenture sealed and annex'd to the Precept, &c.

That the Common Seal was in the Custody of Mr. *Wilkinson*, who deny'd to let them have it to fet it to the Indenture.

That Mr. *Manwaring* had often demanded to be sworn, but was refused to be so.

That the Adjournment from the *Shambles* to the Town-Hall after the Precept was read, was without any Proclamation made by the Cryer, but was by the Bailiff himself.

There were severall other Exceptions taken on both sides to severall of the Pollers, and particularly the fitting Member proved two of the Freemen, viz. (*Slater* and *Benand*) that voted for the Petitioner, had no Votes as Freemen, because their Landlords voted as Burgeffes for the same Houses.

On the other side Exceptions were taken to *Frankland* that voted for the fitting Member, because he had sold his Burrough-hold before the Election; to *Nowell*, because an Infant; to *Colbourn* a Quaker, and therefore not sworn, and to *Wilson*, because he had a Landlord who voted for his House, and to three others as not found by the Jury (and sworn) to which last Objection it was answer'd, that it was their Fault who hindred the Jury from meeting.

Mr. *Kenyon* a Member testified, that he had known the Burrough long, and that Infants were not to be Bailiffs and Burgeffes there.

And that upon the whole Matter the Committee resolved, as their Opinion, " that *Fitton Gerrard*, Esq; is duly elected a Burgeffs to serve in this present Parliament for " the Burrough of *Clitheroe* in the County of *Lancaster*.

And the said Resolution being read a second time, and the Question being put, that the House do agree with the Committee in the said Resolution.

The House divided. The No's go forth :

Tellers	{ Sir Walter Young	} Yea's 140.
	{ Mr. Lloyd	
Tellers	{ Mr. Fenwick	} No's 162.
	{ Mr. Tankred	

So it pass'd in the Negative.

And the Question being put, that *John Uveddall* is duly elected a Burgeffs to serve in Parliament for the said Burrough of *Clitheroe*.

The House divided. The Yea's go forth:

Tellers { Mr. Tankred
Mr. Brereton } Yea's 108.

Tellers { Sir William Strickland
Mr. Norris } No's 188.

So it pass'd in the Negative.

Resolved, " That the last Election of a Burgess to serve in Parliament for the said Burrough of Clitheroe, in the room of *Anthony Parker*, Esq; deceased, is a void Election.

Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing of Burgesses to serve in this present Parliament for the said Burrough of Clitheroe.

A Motion being made, and the Question being put, that *Thomas Rigby*, Esq; late Sheriff of the County of *Lancaster* be sent for in Custody of the Serjeant at Arms attending this House.

The House divided. Yea's go forth:

Tellers { Mr. Gwyn
Mr. Musgrave } Yea's 99.

Tellers { Sir Thomas Littleton
Mr. Trevers } No's 101.

So it pass'd in the Negative.

Die Sabbati 10 Martii, 1693. A Petition of *Fitton Gerrard*, Esq; setting forth, that the Petitioner is duly returned a Member to serve in this Parliament for the said Burrough of Clitheroe, in the room of *Anthony Parker*, Esq; deceased, in such manner as had always been the constant Usage of returning Members to serve in Parliament; and yet the Sheriff by Confederacy, and in breach of Trust hath received another Indenture which was signed by Persons who have no Right to make any Return, whereby *Christopher Lister*, Esq; is returned a Member, and hath annex'd the same together, with the Petitioner's Indenture to the Precept, and returned the same into the Crown-Office; by reason of which Double Return, the Petitioner is hindred to sit in this House; and praying that a short Day may be appointed for hearing the Merits of the said Return, was read and referred.

Die Sabbati 14 Aprilis, 1693. Order'd, That the Report from the Committee touching the Election for the said Burrough of Clitheroe, be made upon Tuesday Morning next. And accordingly

Die Martis 17 Aprilis, 1693. Mr. Bowyer reported from the said Committee, the Report: Matter touching the said Election and Return, as it appeared to them upon the several Petitions of *Fitton Gerrard*, and *Christopher Lister*, Esquires, by which either of the Petitioners set forth, that he is duly elected to serve for the said Burrough, and complain of a Double-Return for the same, the Committee have examined the Merits of the said Election and Return.

The Council could not agree who should first begin; which depended upon this Question, whether the Election or Return should be first proceeded on. And thereupon the Council and Parties withdrawing, the Committee ordered, that the Right of Election should be first examined, and then the Return.

As to the right of Election it was agreed on both sides, that that was in the Bailiffs, Burgesses and Freemen; the Burgesses were such as had Estates of Freehold or Inheritances of Houses or Lands within the Burrough; the Freemen were the Tenants of those Houses who were to vote, if their Landlords did not; but if the Landlords voted for the Houses, the Tenants were not to vote for them.

For Mr. Gerrard were produced two Witnesses; *Joseph Wilkinson*, who produced the Poll taken by himself at the Election, being employ'd to do so by Mr. Norris, an Agent for Mr. Gerrard; and this was examined by the Poll taken by the Under-Sheriff, and found to agree; at the taking of which Poll all three of the Bailiffs were by, and by both these Polls (for the Under-Sheriff's Original Poll was produced by the other side) Mr. Gerrard had 46 Votes, and Mr. Lister 43.

Edward Robinson testified, that the Under-Sheriff took the Poll by consent of all Parties, the Town Clerk being excluded from doing of it, as not having done it well at the Election before; and that the Under-Sheriff came to Town the same Day that the Election was.

On behalf of Mr. *Lifter*, Exceptions were taken to 13 of Mr. *Gerrard's* Electors, against five, because they were not found by the Inquiry Jury, and sworn before the Election, viz. four Burgeſſes and one Freeman; against another Freeman, because his Landlord voted for the ſame Tenement, against a Burgeſſ for having ſold his Tenement, and being ſtruck out of the Call-Book before the Election, against another for being a Quaker and not ſworn, and two others for being Minors, and three more because they did not pay Burgeſſ-Rent, viz. 16 d. per Annum.

To prove this they produced the following Witneſſes.

William Oddy the Town-Clerk, who teſtified, he had been Town-Clerk fix Years, and had known the Town twenty Years, and ſaid, it was the Cuſtom, that no Burgeſſes or Freeman ſhould vote at the Elections, but thoſe that were found by the Inquiry Jury and ſworn; that he has been at ſeveral Elections, and never heard it diſputed; that this Jury was diſmiſſed by one Bailiff before the former Election; wherein Mr. *Gerrard* and Mr. *Weddall* were Candidates, and no Jury made till after the preſent Election, wherein the Petitioners were Candidates; but ſince the Election there is a new Jury; that it did not uſe to be diſmiſſ'd but by both the Bailiffs: He teſtified likewiſe, that the Jury was diſmiſſ'd before the Day to which it was adjourn'd, but not till they petition'd to be diſmiſſ'd, and were diſmiſſed by the Freeman *Robiſon*.

As to the Perſons excepted againſt, he teſtified, that *Henry Mallam*, *Henry Banifier*, *Chriſtopher Hartly*, and *Henry Boocock* that voted for Mr. *Gerrard* as Burgeſſes, and *Richard Perkinſon*, were not found by the Jury nor known.

That *John Wiſon*, another Freeman that voted for Mr. *Gerrard*, his Landlord voted for his Houſe.

That *Robert Frankland* that voted as a Burgeſſ for Mr. *Gerrard*, own'd to him, that he had ſold his Burrough-hold before the Election, and was ſtruck out of the Call-Book.

That *Richard Colbourn* that voted for Mr. *Gerrard* was a Quaker and not ſworn.

That *Leonard Nowell* that voted as a Burgeſſ for Mr. *Gerrard*, was an Infant at School; that he never knew a Minor found or ſworn, but Mr. *Manwaring* the preſent Bailiff about two Years ſince, who is the ſame Perſon that is the preſent Bailiff, and voted for Mr. *Gerrard*; that he was ſworn at an Ale-houſe by the Bailiff, and he was by, and another ſworn at the ſame time.

That he does not know what Right *Mallam*, *Banifier*, *Hartly* or *Boocock* have, nor that they offer'd themſelves to the Jury to be found.

Edward Farrar and *Richard Wiſon* teſtified, that they had known the Town, one thirty, and the other twenty Years; and that it was the Cuſtom for none to vote in Elections, but ſuch as were found by the Jury and ſworn; and that he never knew this Cuſtom diſputed, or a Right claim'd by Perſons not found and ſworn till this laſt Election; and *Farrar* inſtanced in two Perſons that had Burgage Tenements, and yet did not vote, because not found and ſworn, viz. Mr. *Hamond*, and *Richard Groſden*, and likewiſe confirmed all that *Oddy* had ſaid before, as to the particular Perſons objected againſt; and further teſtified againſt three, viz. *James Slater*, *George Dale* and *John Colethbirſt* that voted for Mr. *Gerrard*; that they were Burgeſſes, yet they paid no Burgage Rent to the Lord of the Mannors, and therefore by the Cuſtom were excluded from voting at Elections.

But on the other ſide, it was teſtified by *Robiſon*, that all that had been Owners of thoſe Houſes before, had always voted at all Elections, and never objected againſt or reſuſed; the ſame was alſo teſtified by *Thomas Dugdale*, and confeſſed by *Farrar*, a Witneſſ for Mr. *Lifter*.

To theſe Objections were answered for Mr. *Gerrard*, that this Cuſtom that none but ſuch Burgeſſes and Freeman ſhould vote at Elections as were found by the Inquiry Jury and ſworn by the Bailiff, was an unreaſonable and illegal Cuſtom, and therefore void, as putting it too much in the Power of the Jury or Bailiffs, to hinder whom they pleaſe to vote, though they had never ſo much Right.

It was likewiſe teſtified by *Henry Bailly*, that one of the Inquiry confeſſed to him, that they purpoſely avoided meeting; that *Mallam* and the reſt objected againſt for not being found, might have an Opportunity of being found and ſworn; and that there being eleven of the Jury together, he abſented himſelf for fear of making the twelfth Man.

That *Oddy* the Town-Clerk confeſſed to him, that he knew that *Mallam* and the other *Mandamus* Men had a Right, and declared, that he would have entered them, if they had come to him: He teſtified likewiſe, that theſe Men offered themſelves to the Jury and were deny'd to be found and ſworn, and yet voted at the former Election,

where Mr. *Uveddall* and Mr. *Gerrard* were Candidates, and some of them had given Votes at some late Elections of Bailiffs, but does not know they did it before; believes they had their Burrough-holds since Mr. *Parker's* Death; that they were received by one Bailiff, but rejected by the other.

Robinson likewise testified, that he was Foreman of the Inquiry Jury, and that *Mallam* and the other three Burgesses objected against, have Lands in the Burrough, and tendered their Writings to the Jury; that the Jury found *Colburne* the Quaker, and allow'd his Right of being a Burgess, and that he still continues to have his Right as such in all other Matters belonging to the Burrough.

That *Nowell* is a Man grown, and has a Burrough-hold, and tendered himself to the Jury.

That *Frankland* lives still in the House, and that in that Case he has right to vote till another be entred by the Custom of that Place.

That *Perkinson* lives in a free House belonging to the Burrough, and therefore has right to vote, his Landlord not voting.

Dugdale testified, that *John Wilson* was in Another House at the time of the Election than what he now lives in, viz. in an House of Sir *Edward Alston's*, who did not vote, and that he was in Possession of the House from the 14th of February to the 23d. and then was turned out by force by *Oddy*, who broke open his Door and flung out his Goods; but *Farrar* testified, he was not in Possession of that House above an hour before he was turned out.

On behalf of Mr. *Gerrard*, objection was made against four that polled for Mr. *Lifter*, viz. against *Ughired Shuttleworth* and *Edward Webster* as Reverfioners, against *William Riddial*, because, though he was Tenant, yet his Landlord voted for his House, and against *Nicholas Woarce* for the same reason.

The Exception to the last was agreed by Mr. *Lifter's* Council, and as to the former the Proofs were thus.

Robinson testified, that the two first were but Reverfioners of Burgage Houses, and that two Women had Estates for Life in them, and were in Possession; but it was said on the other side, that where Women have Estates for Life, who cannot vote, there the Reverfioners may vote; and *Oddy* testified this to be the Custom, and that those Reverfioners were found by the Jury and sworn.

Robinson a Witness for Mr. *Gerrard* confess'd, he was of the Jury that found *Webster*, and was for finding him, but he is since better informed. And *Dudley* another of Mr. *Gerrard's* Witnesses confess'd, he was likewise of the Jury, but against finding him. *Oddy* testified, that *Slater* that voted for Mr. *Gerrard* was a Reverfioner, as well as those that voted for Mr. *Lifter*.

Robinson likewise testified, that *William Riddial* that voted for Mr. *Lifter* as a Freeman, his Landlord *Warren* chose to vote for the same House, and that the Landlord might choose which House he would vote for, though he had other Houses, but this was deny'd by *Farrar*, who said, Landlords could not debar their Tenants from voting when they had other Houses to vote for.

Robinson and *Dudley* likewise testified, that Mr. *Nowell* that voted for Mr. *Gerrard* was *Woarce's* Landlord.

Mr. *Kenyon* a Member of the House testified, that as to the Custom of being found by the Inquiry Jury and sworn, and that Mr. *Manwareing* was yet a Minor, and that *Mallam* and the other *Mandamus* Men bought their Burrough-holds to serve a turn, and *Robinson* the Foreman of the Jury sold them to them; and thereupon the Committee came to the Resolution, which see *infra*.

Afterwards the Council being called in upon the Matter of the Return.

The Council for Mr. *Lifter* declared to the Committee, that the Witnesses that should prove their Case were gone away, and therefore they would not trouble the Committee with opening a Case they could not then prove.

Whereupon, being again withdrawn, the Committee resolved to proceed upon the Matter of the Return, and the Council for Mr. *Lifter* offering nothing, the Council for Mr. *Gerrard* called two Witnesses, viz.

Dugdale, who testified, that Mr. *Manwareing* was fairly chosen Bailiff, had 38 Voices, and Mr. *Wilkinson* but 26; that it was brought to an Equality by setting a vote down wrong, and that Mr. *Manwareing* was chosen Bailiff before the last Election.

Robinson, who testified, that Mr. *Manwareing* before the Election was found by the Inquiry Jury, whereof Bailiff *Lifter* was one, and sworn without any Objection.

The Returns were in this Manner in the Indenture whereby Mr. *Gerrard* is return'd, Mr. *Manwareing* and Mr. *Lifter* are named as Bailiffs, but Mr. *Manwareing* only signed the Indenture with another Burgess, but not Bailiff *Lifter*. In

Burgus de Clitheroe.

In the Indenture whereby Mr. *Lifter* the Petitioner is returned, Mr. *Ambrose Paelsse* and Mr. *Lifter* are named Bailiffs, and have both signed the Indenture, and both the Indentures are returned by the Sheriff.

Thereupon the Committee ordered, That the Matter of the Return should be thus specially Reported to the House.

Resolved (*supra*) by the Committee as their opinion, that *Fitton Gerrard Esq;* is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Clitheroe*.

And the said Resolution being read a second time, and the Question being put, That the House doth agree with the Committee in the said Resolution. The House divided. The No's go forth :

Tellers { *Sir Samuel Barnardiston* } Yea's 119.
 { *Mr. Arnold* }

Tellers { Mr. Tancred
 { Mr. Bickarstaff } No's 52.

Tellers { Mr. Tancred
Mr. Bickarstaff } No's 52.

So Resolved in the Affirmative. And

Ordered, That the Clerk of the Crown do attend this House to morrow morning with the Returns for the said Burrough, in order to amend the same. And accordingly,

Die Mercurii 18 Aprilis, 1694. The Clerk of the Crown attended the House with the Returns for the said Burrough, and amended the same, by taking off the Return of *Fiston Gerrard Esq;* and razing the Name of *Christopher Lister* out of the Return under the Seal of the said Burrough, and inserting the Name of the said *Fiston Gerard* in the room thereof.

1695. *Die Lunæ 25 Novembris, 1695.* A Petition of *Thomas Stringer Esq;* setting forth, That at the last Election of Burgesses to serve in this present Parliament for the said Burrough of *Clitheroe*, *Christopher Lister*, *Ambrose Pudsey Esquires*, and the Petitioner, stood as Candidates, and the Petitioner ought to have been returned as one of the Burgesses; but the Bailiff of the said Burrough (who refused to poll several of the Burgesses that would have voted for the Petitioner) hath returned the said Mr. *Pudsey* with Mr. *Lister*, to the wrong of the Petitioner, and several of the Burgesses, and praying relief in the Premises; was read and referred.

Die Sabbati 8 Februarii, 1695. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the said Burrough, be made upon this day fennight. But,

Die Luna 10 Februarii, 1695. Ordered, That the Report from the said Committee, touching the Election for the Burrough of *Clitheroe*, be made upon *Wednesday* morning next. And accordingly,

Report. Die *Mercurii* 12 Febr. 1695. Coll. *Granville* reported from the said Committee the Matter of the said Election, viz.

Upon the Petition of *Thomas Stringer* Esq; complaining of an undue Election and Return of *Ambrose Pudsey* Esq; to serve in this present Parliament for the said Burrough, the Committee have examined the Merits of that Election.

That upon the Poll the Numbers were thus { For Mr. *Pudsey* ——— 44
For Mr. *Stringer* ——— 32

For Mr. *Stringer* — 32

But the Petitioner insisted, that several Irregularities had been practised at the said Election, and that several ought to be added to Mr. *Stringer's* Poll, which would give him a Majority.

That the Right was agreed to be in the Bailiff, Burgeffes and Freemen; but that if the Person that had the Inheritance voted, the Tenant could not.

That the Custom of the Burrough is every Year to have an Inquiry Jury in that Burrough, whose office it is to enquire who are Burgesſes and Freemen; and ſuch as are found by that Jury are entred into a Book, and have only uſed to vote at Elections.

But that the Petitioner insisted, that the Bailiff did at this Election refuse to call an Inquiry Jury, by which several Persons that ought to have been found Burgesses and Freemen were not found, and so he was deprived of several Voices.

And for this they called *Thomas Dugdale*, who said, He had searched the Records of the Town, and found Inquiry Juries had been called in *December, November, January, February, March and April*, and that the 11th of *October* he desired of Mr. Bailiff *Whitacre* that an Inquiry Jury might be called, and that he denied it, saying, it was in their Power, and that Mr. *Stringer* should not be a Parliament Man. And

Thomas

Thomas Dugdale, John Robinson and John Dean said, that on the 23^d of October they, with several Persons that had a Right to be found, went to Bailiff *Lister*, and desired of him to call an Inquiry Jury; that Mr. *Lister* said he would call a Hall, and consider of it; but he did not call a Hall, nor call an Inquiry Jury. And *Dean* said, that Mr. *Pudsey* and Mr. *Walbank*, that acted for Mr. *Pudsey*, told him the said *Dean*, that if he would be for Mr. *Pudsey* an Inquiry Jury should be called, and he should have a good Voice.

Richard Hays said, Mr. *Slater* asked him to vote for Mr. *Pudsey*, and made him the same Promise.

Thomas Nowel said, one of the Bailiffs asked him to be for Mr. *Pudsey*, and made him the same Promise.

William Dugdale and *John Wilson* said, *Walbank* made them the like Promise.

George Haworth proved a Deed from *John Dugdale* to *John Dean*, but said there was a Reconveyance a Month after.

John Troy said, he went down with the Petitioner to *Clithero*, and was at the Election, that he informed the Bailiffs of several Freemen that would vote, but the Bailiffs said they would call none but what were within their Call-Book, as they were there.

William Dugdale said, he had a Right to vote for the House he lived in, which he had been in Possession of since *Michaelmas*.

William Dean said, he had been found by the Inquiry Jury; that his Landlord did vote, but not for his House; that he was not found for the House he lived in but about three weeks before the Election; and before the Proclamation came out for the Dissolution of the last Parliament, had tendered a Groat to the Town-Clerk to enter his Name.

Nicholas Nowel said, that Mr. Bailiff *Whitacre* put him into a Free-House, and that he was to live there free till Lady-day, provided he would vote as the Bailiff did. And that afterwards Mr. *Walbank* offered him 30 s. to vote for Mr. *Pudsey*, which he refused, but did receive that 30 s. to keep out of the Hall; and said, if he had not received that 30 s. he would have been for Mr. *Stringer*; and that Bailiff *Whitacre* threaten'd him, if he came to *London*, to sling his Wife and Children in the Street, and afterwards commit him to the County-Goal, though there was a Goal in the Town.

Thomas Dugdale and *John Robinson* said, that they had acquainted Bailiff *Whitacre* that *Nowel* was to appear before this Committee the 17th of January; and that he said, he did not care, he had abused him, and he would send him to Goal.

That *Henry Baily* was Heir by Descent to a Burgage-House, but not found.

That one *Franklin* offered to vote, and had 10 s. year Rent reserved, but he did receive Alms.

Roger Page said, he lived in a free House at Lady-day, and had taken it for seven years; that he had covenanted in his Lease to vote as his Landlord should direct, and would have voted for both the fitting Members: But afterwards, when Mr. *Stringer* had petitioned, his Landlord would have had him given it under his Hand that he would have voted for Mr. *Stringer* and Mr. *Lister*.

Richard Hays and *John Wilson* said, he had a Burgage-House, and was ready to vote for Mr. *Stringer* and Mr. *Lister*.

John Wilson said, he had been a Freeman five years, and would have voted for Mr. *Lister* and Mr. *Stringer*; that Mr. *Lister* voted, but did not name the House, and he has other Burgage-Land.

William Baily said, he had a Burgage-House, and was ready to have voted, if called.

Henry Woolcock said, he was ready to vote for Mr. *Stringer*; that he has paid Burrough Rent for two years, which he bought of *John Mitchel*; but confessed that Mr. *Parker* had made Bargain for it, but no Money was paid, nor was the Possession delivered.

Richard Blackburn said, he had lived in a Burgage-House five years, was at the Election, but was not called.

Edward Coulters said, he had been found and sworn, but was since removed, but offered a Groat to the Town-Clerk to have his Name entred.

Robinson said, that *Edward Webster* had a Reversion after the Death of his Mother, and received Rent, and had a Right.

That for Mr. *Pudsey* the fitting Member it was insisted, that the Inquiry Jury was discharged fairly, according to custom; and that many who would have voted for Mr. *Pudsey* had been found, if there had been an Inquiry Jury in being. And

Mr. Slater and Farrer said, The Custom of the Burrough was to call the Grand-Jury about *Candlemas*, and discharge it about *Michaelmas*; and this Year the Inquiry Jury was discharged at the usual time by general Consent for want of Business; that they knew nothing of paying a Groat to have their Names entered a-new; but if a Freeman removed to another Burgage-House, he ought to be found again.

That none but *Franklin* actually offered to vote, and he was maintained by the Town.

That Sir *John Ashton*, Sir *Nicholas Sherborn*, Mr. *Walmsley*, Mr. *Crossdale*, Mr. *Hammond*, Mr. *Marsden*, Mr. *Chippendon*, Mr. *Breman*, *John Slater*, *John Yates*, and *Richard Eyres* had all a Right to be found, and would have voted for Mr. *Pudsey*, and some of their Tenants voted for Mr. *Stringer*.

That as to several Persons endeavoured to be made good Votes by the Petitioner, they said,

That *Richard Hayes* never demanded to be found.

That *Thomas Nowel* put himself into a House, where another inhabited, a Fortnight before the Election.

That he did not ask *William Dugdale* for his Voice, nor had he any Right to be found by the Jury.

That *Dean* had Reconveyed before the Election.

That *Leonard Nowel* was found for *William Dean's* House.

That *Robert Page* might have been found if he would, but he said he had not his Lease sealed.

That Mr. *Lister* voted for *John Wilson's* House.

That *Henry Woolcock* was never presented, and the Land was Mr. *Parker's* Son's.

That *Richard Blackborne* had not offered himself to the Inquiry Jury since he gave Security.

That there are two *William Baily's*, one voted for Mr. *Stringer*, and the other had no Right.

That he believes *Edward Coulters* had been found, if he had come to the Inquiry Jury.

Richard Nowel, *George Howard*, and — *Farrar* said, that the 3 s. paid to *Nicholas Nowel* was for Ale drawn upon the account of Mr. *Pudsey*.

And that upon the whole Matter the Committee came to this Resolution, as their Opinion:

That *Ambrose Pudsey* Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Clitheroe*.

The said Resolution being read a second time, was upon the Question put thereupon, agreed unto by the House.

1698. *Die Jovis 22 Decembris 1698.* A Petition of *Ambrose Pudsey* Esq; setting forth, that at the Election of Burgesses to serve in this present Parliament for the said Burrough of *Clitheroe*, the Petitioner was duly Elected by the majority of legal Voters, and ought to have been returned with *Christopher Lister* Esq; but the Bailiffs of the said Burrough have returned *Thomas Stringer* Esq; in wrong to the Petitioner, and praying the House to take the Premises into Consideration; was Read and Referred.

1700. *Die Jovis 6 Martii, 1700.* *Thomas Stringer* Esq; being chosen a Burgess for *Clitheroe*, and also a Burgess for *Bramber* made his Election to serve for *Clitheroe*; and a new Writ ordered for electing another Burgess to serve for *Bramber* in his room.

Burgus de Cocker-mouth in Com' CUMBERLAND.

DIE Martis 1 Aprilis, 1690. A Petition of the Bailiffs and Burgeses of the said Burrough; setting forth, that they did choose Sir Orlando Gee, and Goodwin Wharton, Esq; to be their Representatives in this Parliament; but that Sir Orlando Gee and Sir Wilfrid Lawson are return'd, which they are advised is contrary to Law; Sir Wilfrid Lawson being high Sheriff of that County; and praying that the House would consider the Premises, and order what shall be Just therein; read and referred. 1690.

Die Jovis 5 Decembris, 1695. A Petition of Sir Wilfred Lawson, Baronet; setting forth, that at the Election of Members to serve in this present Parliament for the said Burrough, the Petitioner (as he conceives) was duly chosen, but by the Bribery and several other undue Practices of Goodwin Wharton, Esq; the Petitioner was not return'd by the Bailiff of the said Burrough; and praying the Justice of the House in the Premises, was read and referred. 1695.

Die Martis 17 Decembris, 1696. Goodwin Warton, Esq; being elected a Burgess to serve in this present Parliament for the Burrough of Cocker-mouth in the County of Cumberland, and also for the Burrough of Malmsbury in the County of Wilts, made his Election to serve for the Burrough of Cocker-mouth. 1696.

Order'd, That Mr. Speaker do issue his Warrant to make a new Writ for electing another Burgess for the Burrough of Malmsbury.

Burgus de Colchester in Com' ESSEX.

By the Returns to Parliament in the 26 E. 1. which are the Oldest now extant: It appears this Burrough sent two Burgesses qui electi sunt pro Communitate Burgi de Colechester, and 7 E. 4. only five Burgesses of Colechester named in the Return chose two Burgesses for that Parliament in the County Court, held at Chelmsford. The Returns in 12 & 17 E. 4. are thus. Ballivi Burgi de Colechester, &c. Elegi fecerunt per majorem partem Burgenfium magis sufficiens. duos Burgenfes, efend. pro Burgo illo ad Parliamentum. 26 E. 1. 12 & 17 E. 4.

DIE Veneris 28 Martii, 4 Car. 1. 1628. On Mr. Hackwill's Report from the Committee of Privileges and Elections, it appear'd, that one only Return was made by the Bailiffs of that Burrough, wherein both Sir Thomas Cheek and Mr. Alford were return'd: But the manner of the Election was thus, viz. 1628. 4 Car. 1.

The Bailiffs, Aldermen and Common-Council, consisting of 42 in an upper Room read the Writ; and there elected Sir Thomas Cheek and Mr. Alford; and that in a lower Room the common sort of Burgesses in general elected Sir Thomas Cheek and Sir William Masbam; but this Election being not return'd, Sir William Petitions the House for Relief, &c.

For Mr. Alford, and in Justification of the Return, it was insisted, that Elections and Returns had always been made in that manner, and endeavoured to prove, that the right of Election was in the Bailiffs, Aldermen and Common Council by Prescription.

But against this 'twas alledg'd, that till R. 1. they had no Bailiffs, nor no Common-Council till the time of E. 4. and then sixteen only were appointed by a new Charter, which by their own By-Laws and Constitutions since they had encreased to 40 or 50.

Whereupon the said Prescription was by the said Committee held Insufficient; and they also resolved, as their Opinion. " That the Election of Sir William Masbam is good, and his Name to be put in by the Bailiffs instead of Mr. Alford's.

And upon the Question, the House resolved, " That Sir William Masbam is duly elected; and order'd, that his Name be by one of the Bailiffs inserted at the Board instead of Mr. Alford's.

1689. *Die Lune 24 Martii, 1689.* A Petition of Sir Isaac Rebowe; setting forth, that he was duly elected a Burgess for the said Burrough by a majority of legal Voters; but that John Potter the Mayor thereof had returned Edward Cary and Samuel Reynolds, Esquires as Burgesses to serve in this Parliament for the said Burrough, in prejudice of the Petitioner, &c. read and referred.

1690. *Die Lune 6 Octobris, 1690.* being the second Session, &c. The same Petitioner renews his Petition; that he was duly elected for Colchester, but that the Mayor return'd Samuel Reynolds and Edward Cary, Esquires, though the Petitioner had a greater Number of legal Voters than either of the said Persons; and praying Relief, &c. read and referred.

Die Sabbati 8 Novembris, 1690. Order'd, That the Chairman of the Committee of Privileges and Elections, do make his Reports upon Tuesday Morning next at nine of the clock. And accordingly

Report. *Die Martis 11 Novembris, 1690.* Mr. Gray reported the said Election, viz. that upon the Petition of Sir Isaac Rebowe, the Committee had examined the Merits of the said Election; and it was agreed, that the Right of Election was in the Freemen of the said Burrough not receiving Alms. And it appeared to the Committee, that the Poll was taken promiscuously, and was afterwards to be scrutinized.

That three Clerks who took the Poll were produced, on whose Books the Poll stood thus,

For {	Mr. Cary	445	447	447.
	Mr. Reynolds	445	452	452.
	Mr. Rebowe	485	483	484.

That Mr. Rebowe having a majority on the Poll thus taken, demanded to be return'd, but the Mayor refused till the Scrutiny was made; and thereupon the Books were sealed up and delivered to the Mayor.

That the Mayor sent for Mr. Rebowe to be at the Scrutiny, but he refused to come. And upon the Scrutiny the Numbers were,

For {	Mr. Cary	407.
	Mr. Reynolds	415.
	Mr. Rebowe	393.

And that thereupon the Committee came to several Resolutions, which he read in his Place, and after delivered in at the Table, where the same were read and agreed unto by the House, and are as follows, viz.

1. *Resolved,* That Edward Cary, Esq; is duly elected to serve as a Burgess in this present Parliament for the said Burrough of Colchester.

2. *Resolved,* That Samuel Reynolds, Esq; is likewise duly elected to serve as a Burgess in this present Parliament for the said Burrough of Colchester.

1692. *Die Veneris 4 Novembris, 1692.* being the Fourth Session of the six Years Parliament. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Edward Cary, Esq; deceased.

1694. *Die Lune 12 Novembris, 1694.* being the last Session of the six Years Parliament. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for making out a new Writ for electing a Burgess for the said Burrough, in the room of Samuel Reynolds, Esq; deceased.

1695. *Die Veneris 29 Novembris, 1695.* A Petition of several of the Freemen and Burgesses of the said Burrough, on behalf of themselves and the major part of the said Burgesses; setting forth, that at an Election for Members to serve in this present Parliament for the said Burrough; the Candidates were Sir John Morden, Sir Isaac Rebowe, Sir Thomas Cook and Dr. John Harrison; that at the Election the then Mayor used many illegal Practices to prevent the Election of Sir Thomas Cook, by refusing several Persons to poll who were duly qualified, and admitting divers for Sir John Morden who had no right to poll, by refusing a Scrutiny when demanded by one of the Candidates, and by returning Sir John Morden as one of their Burgesses, though Sir Thomas Cook had more Votes then Sir John Morden, as will appear by the Poll-Books; which Practices of the Mayor tend to deprive the Petitioners of their Right of Election; and praying that the House will consider of the Premises, and give them such Relief as the House shall think fit, was read and referred.

Die Sabbati 7 Martii, 1695. Order'd, That the Matter upon the Petition of the Inhabitants of the Burrough of Colchester, touching the Election for the said Burrough, do come on before the Committee of Privileges and Elections, the Day it would have been heard in case other Petitions had not been withdrawn.

Die Martis 24 Martii, 1695. Order'd, That the Report from the Committee, touching the said Burrough, be made on Saturday Morning next. And accordingly

Die Sabbati 28 Martii, 1696. Coll. *Granville* reported from the said Committee, touching the Election for the said Burrough, the Matter as it appeared to them, viz. upon the Petition of several of the Freemen and Burgeſſes of *Colcheſter*, complaining of an undue Election of *Sir John Morden* to ſerve for that Burrough; the Committee have examin'd the Merits of that Election. 1696. Report.

" That the Right of Election was agreed to be in the Sworn Burgeſſes, not receiving Alms. D

That there was at this Election one Poll taken by the Town-Clerk, and another Poll taken for *Sir John Morden*, and another for *Sir Thomas Cook*.

That the Poll taken for *Sir John Morden* did give the Majority by two or three for *Sir Thomas Cook*, and the Poll taken for *Sir Thomas Cook* did give the Majority by the like Number for *Sir John Morden*.

And that the Numbers taken upon the Poll by the Town-Clerk who ſat moſt commodiouſly for taking the ſame, where at the time of cloſing the ſame, agreed to be thus:

For { *Sir John Morden* ——— 406.
 Sir Thomas Cook ——— 408.

But the Account the Town-Clerk gave the Mayor of the Poll was:

For { *Sir John Morden* ——— 407.
 Sir Thomas Cook ——— 401.

By which Account *Sir John Morden* had the Majority by fix, though the Fact was, that really *Sir Thomas Cook* had the Majority on the Poll by two.

But it was alſo proved, and not diſown'd by the Town-Clerk, that the Town-Clerk upon telling the Mayor the Numbers of the Poll did ſay, that he was not certain. And

John Sewell and *Giles Abbot* teſtified, that the Mayor before the Election did ſay, that *Sir Isaac Rebowe* and *Sir John Morden* ſhould be return'd, and offer'd to lay two Guineas to one of it. But

Samuel Hall, who was produced on behalf of *Sir John Morden* ſaid, he was by at the time that *Sewell* ſpoke of, and did not hear the Mayor ſay any ſuch Words.

That for the Petitioner it was inſiſted, that the Mayor had deny'd a Scrutiny, and that many had polled who had no right.

That as to the Matter of Scrutiny the Petitioners called *Mr. William Dubois*, *Mr. John Dubois*, *Mr. Thomas Ruſe*, *Mr. John Porter*, *Mr. Francis Aſton*, who ſaid, that *Sir Thomas Cook* was invited to ſtand for *Colcheſter*, having been a Benefactor there; that upon caſting up the Poll, *Mr. Kendal*, who took the Poll for *Sir Isaac Rebowe*, found one or two more for *Sir Thomas Cook* than for *Sir John Morden*; and thereupon *Mr. Bennet*, *Sir John Morden's* Brother-in-Law demanded a Scrutiny upon *Sir John's* Account.

That the Town-Clerk in caſting up the Poll, told the Mayor he made it 46 for *Sir John Morden*, but ſaid he was not certain, and deſired of the Mayor, that he would not declare that Night; and ſeveral demanded of the Mayor to declare for *Sir Thomas Cook*, and a Scrutiny was demanded and the Books were ſealed up in order to a Scrutiny the next Day.

That the next Day before the Mayor declared, *Mr. Shaw* demanded a Scrutiny again, but the Mayor declared for *Sir Isaac Rebowe* and *Sir John Morden*, but reſuſed to declare the Numbers, ſaying, that he would not put down Queries, for there ſhould be a Scrutiny for the whole.

That ſome Objections were made at the time of the Poll, and ſeveral were ſtruck out; but ſeveral Queries were left upon Forreigners and Almsmen.

But *Mr. Potter* did confeſs, that he had a Liſt of the Free Burgeſſes in his Hand at the time of the Poll, but could not ſay it was an exact Copy; and that *Sir Isaac Rebowe* after the Poll was over, did ſay it was plain, that *Sir Thomas Cook* had it upon the Poll.

To answer which part of the Evidence, for *Sir John Morden* was called *Major Haines*, who ſaid, that there had been a difference between him and the Lord *Lucas*, touching 150*l.* recover'd of him for Money he engaged for at the laſt Election of *Colcheſter*, where *Sir Thomas Cook* ſtood, and that *Sir Thomas Cook* would not do any thing in it till the laſt Parliament was diſſolved; and that *Sir Thomas Cook* ſaid, if he would diſſuade *Sir John Morden* from ſtanding, and engage *Sir Isaac Rebowe* for him,

him, he should have his Money; but it must not be known to be from him for fear of Bribery. But

Mr. Roberts being produced on behalf of the Petitioner said, that Major Haines desired him to go to Sir Thomas Cook for to procure an Accommodation between my Lord Lucas and him; and said, that if Sir Thomas Cook would accommodate the Matter, he would persuade Sir John Morden not to stand, or prevail with Sir Isaac Rebowe to join with him; and at last Major Haines said, if Sir Thomas Cook would give him 250*l.* he would do what he had promised, and stand upon his own Feet with the Lord Lucas.

That further for Sir John Morden was called Thomas Smith, Mr. Kellam, Mr. William Mott, Mr. John Henley, Mr. Simeon Howard. That several went about the Town and declared Sir Isaac Rebowe was a Corn Merchant; and that one said he had three Guineas to make a Party for Sir Thomas Cook, and that the Mayor upon the Town-Clerk's saying, Sir John Morden had the Majority closed the Poll; but Sir John Morden durst not ride that Night because of the Tumult; that they did not hear a Scrutiny demanded till the next Morning; and that after the Mayor had declared the Election when the Mayor told them it was too late.

That for the Petitioners, Exceptions were taken to several that voted for Sir John Morden; and the first Exception was of 27 that could not be found in the Freemens Books; and for that they called Mr. James Shelton, who said, he was disfranchised.

— And as to Robert Potter, George Clark, Thomas Burton, William Hall, Abraham Langley, John Tatham, Samuel Ryder, Robert Robbery, Michael Behaites, John Drake, Thomas Draper, Minors: Joseph Ewry, Jeremiah Groom, Samuel Gibson, Henry Hall, Robert Humfry, John Herbert, Junior, Nathaniel Legg, Sir Francis Massam, William Nott, Jun. James Peacock, Thomas Prigg, Daniel Pilsen, James Rich, Joseph Tabor, John Wheely he had searched and could not find their Names in the Books, except three or four that were so long ago, that he did not believe they could be the Men.

That they all polled for Sir John Morden, but he believed one or two of them polled for Sir Thomas Cook also.

That on the other side to justifie several of those Voices were called Mr. Wheely, who said, that William Mott Junior's Name is entred in the Freemens Book.

That James Rich was a Freeman.

That Samuel Gibson is a Freeman of the Town.

Mr. Glascock said, that Sir Francis Massam was sworn, which was allow'd by the Petitioners.

That Joseph Tabor is entered.

That Jeremiah Groom and Nathaniel Legg were Freemen.

Mr. Hayward said, that John Wheely had polled five or six Years; is Servant to Sir Isaac Rebowe.

John Drake said, that Joseph Ewry was a Freeman.

John Bloys said, that Henry Hall was a Freeman.

That for the Petitioners there was also produced several Certificates taken out of the Register-Books by which it seemed.

That Oliver Burkyn, John Harvy, Richard Field, Abraham Behaites, Francis Mortier, William Rush, Arthur Wencesly, John Cater, Jeremiah Talcolt, John Shory were under Age at the time of the Election.

But as to Francis Mortier (for Sir John Morden) there was produced another Certificate, which says, he was Baptized the 6th of April, 1673. And

Richard Field, Senior said, that his Son Richard Field was of Age at the time of the Election, and was four or five years old when he was Registered.

Mr. Shelton also said, that 58 others that voted for Sir John Morden had taken up their Freedom in the time of the present Mayor, who was sworn on the 29th of September last.

But the Town-Clerk being called on the other side said, that of the 58, twelve were sworn upon the 14th of October, and three on the 12th of October, being the Day of the Teste of the Writ, and that the said twelve as well as the three had a Right to demand their Freedom, but all the rest were sworn before the Teste of the Writ.

That the Petitioners also insisted, that some Almsmen had voted for Sir John Morden, and called Mr. Shelton, who said, that he had examined the Poores Books, and found, that Abraham Debaune, Thomas Roman, John Martin, Thomas Laye, Thomas Coule, Joseph Ward are in the Poores Books, and receive out of the Poores Rates.

Mr. Glascock said, that Thomas Tyler lived in an Almshouse, and the Parish finds him Wood.

Mr. Purchas said, that Thomas Bennet was in the Parish-Books for 1 s. last Year, and had taken Alms since last Christmas.

That on the other side was called Mr. Kendall, who said, that Coule drove a considerable Trade, and was reputed to be worth 200 l.

Mr. Hayward, who said, Laye was no Almsman.

That he could find Joseph Ward in the Poor's Book.

That Sir John Morden, to disqualifie several that voted for Sir Thomas Cook, called Mr. Wheely, who said, that three, viz. Cockerel, Wood, and Peirson, that voted for Sir Thomas Cook, were made free after the Teste of the Writ.

That as to William Banks jun. William Hill, John James, Moses Chapman, John Smith, James Row, John Sparrow, Thomas Essex, Daniel Bruce, Thomas Seabrook, John Peirson jun. Thomas Brewer, John Seaborn, Abraham Vore, Samuel Choke jun. George Harrison, Joseph Rich, Jasper Walters, — Martindale, Nathaniel Nevil, John Walker, James Harrison, John Garland, Matthew Butcher, John Lucas jun. John Brooks, Thomas Richardson, Thomas Blythe, he had examined the Books, and could not find their Names entred; but at the same time he said, he had not seen the Free-School-Books, wherein many of the Freemen's Names are entred. And

Mr. Glascock being called on the other side, said, that John Smith, John Seabourn, Daniel Bruce, Thomas Blythe, George Harrison, — Martindale, Nathaniel Nevil, John Walker, James Harrison, were Freemen.

Mr. Shelton said, that Jasper Walters was a reputed Freeman, was in the Government of Colchester, and had made Apprentices free.

Mr. Purchas said, that Matthew Butcher is a Freeman, and that he saw him sworn.

Mr. Pullin said, that he saw Moses Chapman sworn.

Mr. Choke said, he saw John Brook sworn.

That further for Sir John Morden were called Mr. Wheely, who proved, that Charles Great, Isaac Burbridge, John Mitchel, Samuel Choake, Caleb Pilgrim, John Sparrow, and John Arrow to be under Age at the time of Election. And

John Peirson said, that his Sons John and Henry Peirson, two others of Sir Thomas Cook's Voters, were under Age at the time of the Election.

Mr. Hayward said, that 9 that voted for Sir Th. Cook received weekly Charity; that 4 others had their Rent paid by the Parish; that 1 lived in an Almshouse; that 7 others had occasionally received Alms, but could not say he found them in their Book; that as to 11 others, they received Cloth at Christmas, being paid by that they called Rabbot, but it appeared that that Cloth was not found at the Charge of the Parish.

And that upon the whole matter the Committee came to these Resolutions as their Opinion, viz.

1. "That Sir John Morden is not duly elected a Burgess to serve in this present Parliament for the said Burrough of Colchester.

2. "That Sir Thomas Cook is duly elected a Burgess to serve in this present Parliament for the said Burrough of Colchester.

But Note, That the first Resolution being read a second time, and the Question being put, That the House do agree with the Committee in the said Resolution. It passed in the Negative. So that Sir John Morden was admitted by the House to be duly elected for the said Burrough.

Burgus de Corfe-Castle in Com' DORSET.

By Great Domesday Book it appears, That this Castle was at the time of that Survey the King's Land, and then no Burrough, and bolden of him by Robert Fitz-Gerald. Great Domesd. fol. 80. b
Note, The Mayor of this place is chosen and sworn in the Court-Leet.

DIE Mercurii 19 Martii, 1678. A Petition of Sir Nathaniel Nappier, complaining of an undue Return of Peregrine Viscount Dunblain to serve in this Parliament as Burgess for the said Burrough, in injury of the Petitioner, who was duly elected, and ought to have been returned; was read and referred. 1678.

Die Sabbati 20 Aprilis, 1679. Sir Thomas Meers reported, That the Committee had taken into Consideration the Matter of the Election for the said Burrough, and had agreed upon a Report, which he read in his place, and afterwards delivered the same 1679. Report.

same in at the Table, where the same was twice read, and upon the Question agreed to, and is as followeth, *viz.*

The Question was, Whether the Freeholders only of Lands or Houses in the said Burrough that paid Scot and Lot, or all the Freeholders generally had Right to vote in Elections? And whether the Petitioner or the sitting Member had the most Voices?

Sir Nathaniel Nappier produced these Witnesses, *viz.* Richard Jones, Richard Painter, Edward Kennel, John Symms, and Mr. Dugdale, to prove that Freeholders, Leaseholders, and Chattel-Leases, have always had a Right to vote; and a Blind Man, a Beggar, that had a Cottage, was fetch'd and had a Vote in a former Election, and all Tenants for 20 Years or more had Votes in Elections; and that one Painter had a Vote in my Lord Latimer's Election, and yet had but a Lease for Years of Mr. Ogden, and paid to Church and Poor; and that when my Lord Latimer was chosen, the Mayor invited all to the Election, as well Leaseholders as Freeholders.

That at the Election the poor Men were courted, as well as the Rich; and that Mr. William Culliford, an Agent for my Lord Dunblain, gave some 18 *d.* and some 1 *s.* for their hindrance of Work half a Day, as they bragged: And Edward Kennel's Man particularly, who said, he had also Guinea given him by the said Mr. Culliford for his Vote in this Election; and that Sir Nathaniel Nappier in this Election had 36 Voices that paid Scot and Lot, of which but 5 were questioned by the Mayor; and my Lord Dunblain had but 15 or 16.

My Lord Dunblain produced as Witnesses, to prove the Right of Election in the Freeholders paying Scot and Lot only, and that he had the majority of Voices at this Election.

William Culliford says, that he was at my Lord Latimer's Election, and all the Barons agreed, that the Mayor, Barons and Freeholders paying Scot and Lot, and no other, had Right to vote in Elections, *viz.*

And He and Charles Osborne proved, that the Mayor being doubtful who had Right to vote, asked the Barons, who told him, all Freeholders paying Scot and Lot had right, and that they were present at the Election; and that my Lord Dunblain had 21 Voices, and Sir Nathaniel Nappier but 20 that paid Scot and Lot; and that they examined my Lord Dunblain's Poll with the Poor's Book, and found all the 21, but Mr. Culliford, paid Scot and Lot; and prove, that several were threaten'd if they voted for my Lord Dunblain, and others were proffered Money.

William Jones proves, that Mr. Ogden gave 5 *l.* to the Poor, and that he never used to give Money to the Poor, but says none of the Voters had any of the Money.

Sir William Portman, Mr. Savage, and Mr. Earle, several Members of the House, who were there at the Election, did affirm, that Sir Nathaniel Nappier as they thought had the majority of Voices.

Whereupon the Committee came to these Resolutions, *viz.*

"Resolved, as their opinion, That Peregrine Lord Viscount Dunblain is not duly elected to serve in this present Parliament for the Burrough of Corfe-Castle in the County of Dorset.

"Resolved also as their opinion, That Sir Nathaniel Nappier is duly elected to serve in this present Parliament for the Burrough of Corfe-Castle in the County of Dorset.

And the House severally agreed with the Committee in both the said Resolutions. And, Ordered, That the Clerk of the Crown do attend on Monday next, and amend the Return for the said Burrough. Also,

Ordered, That Edward Dackcomb, Mayor of the Burrough of Corfe-Castle, be sent for in Custody of the Serjeant at Arms attending this House, to answer his Miscarriages in the Returning of Members to serve in this present Parliament for the said Burrough of Corfe-Castle.

Die Lune 14 Aprilis, 1679. The Clerk of the Crown attending according to order, was called in and amended the said Return, according to the Resolutions aforesaid.

Die Lune 12 Maii, 1679. A Petition of Mr. Edward Dackcombe Mayor of Corfe-Castle, in Custody of the Serjeant at Arms, acknowledging his Fault, and humbly begging Pardon of the House, and praying to be discharged from his Confinement, was read.

And the said Mayor being called in to the Bar of the House, and there kneeling, and having received a Reprimand from Mr. Speaker:

Ordered, That Mr. Edward Dackcombe be discharged from the Custody of the Serjeant at Arms, paying his Fees.

Die Luna 12 Decembris, 1698. A Petition of *Richard Fownes Esq;* setting forth, 1698.
That the Petitioner stood Candidate for the said Burrough of *Corfe-Castle* to serve in
this present Parliament against *William Culliford Esq;* who is wrongfully returned;
and who, by treating at and before the Election, and by divers other indirect Pra-
ctices, procured several Votes to the Petitioner's prejudice, who otherwise had been
chosen and returned, and praying Relief in the Premises; read and referred.
Also,

A Petition of *Edward Clavel Esq;* setting forth, That the Petitioner and *John
Banks Esq;* stood Candidates to serve in this present Parliament at the late Election
of Burgesses for *Corfe-Castle* in the Isle of *Purbeck*, where *Mr. Banks* and his Friends;
in order to get a majority of Votes by several Conveyances, multiplied Voices con-
trary to a late Act of Parliament, and the Mayor of the said Burrough admitted such
to vote for *Mr. Banks*, by which means he hath returned him, in prejudice to the
Petitioner, who was unduly elected; and praying the House to examine the matter,
and relieve him therein; read and referred.

Quære, If this last Petition be not mistaken, and intended for some other Burrough.

Die Jovis 16 Novembris, 1699. A Petition of *William Culliford Esq;* complaining 1699.
of an undue Election and Return of *Richard Fownes Esq;* for the said Burrough of
Corfe-Castle. Also,

A Petition of several of the Magistrates, Burgesses and Inhabitants of the said Bur-
rough, complaining of the said undue Election and Return; were read and referred.

Die Sabbati 17 Febr. 1699. Ordered, That the Reports from the Committee of
Privileges and Elections, touching the Election for *Aldborough* in the County of *York*,
and touching the Election for the Burrough of *Corfe-Castle*, be made upon Thursday
morning next. But,

Die Mercurii 21 Febr. 1699. The said Reports were ordered to be made upon
Friday fennight. And,

Die Veneris 1 Martii, They were ordered to be made on the Morrow morning.

Die Sabbati 2 Martii, 1699. Sir *Rowland Gwyn* according to order reported from 1699.
the Committee the matter, as it appeared to them, touching the said Election, and
the Resolution of the Committee thereupon, which he read, &c. and was agreed un-
to by the House, viz.

"Resolved, That *Richard Fownes Esq;* is duly elected a Burgess to serve in this pre-
sent Parliament for the said Burrough of *Corfe-Castle* in the County of *Dorset*.

Civitas de Coventry.

D*IE Jovis 20 Martii, 1678.* A Petition of Sir *Philip Matthews* Baronet, and 1678.
Sir *William Waller* Knight, complaining of undue Practices in the Bailiff in re-
turning Sir *Stephen Fox* and Sir *William Poultney* Knights, to serve as Burgesses for
the City of *Westminster*, in injury of the Petitioners, who were duly elected, and
ought to have been returned; was read and referred. But nothing more done this
Parliament.

Die Luna 24 Martii, 1689. A Petition of *Thomas Gery Esq;* setting forth, That 1689.
on the 11th of *March* last the Petitioner, with *Richard Hopkins* and *John Stratford*
Esquires, stood Candidates at the Election of Citizens for *Coventry*, where the Peti-
tioner polled several Hundreds, and had several Hundreds more to poll, had he been
admitted thereto, but was deny'd the same by the Sheriffs of that City, who with
great Partiality and ill Practices, procured Voters for *Mr. Hopkins* and *Mr. Stratford*,
otherwise the Petitioner had had a Majority of Voices: But that the Sheriffs, in pre-
judice to the Petitioner, hath returned the said *Mr. Hopkins*, and *Mr. Stratford*; and
praying the Consideration of the House; read and referred.

Die Luna 6 Octobris, 1690. being the second Session of that Parliament, *Mr. Gery* 1690.
renew'd his Petition (*verbatim ut supra*) but was deny'd the same by the Sheriffs of
that City, who carry'd themselves with great Partiality for the other Candidates, and
hath illegally returned them; and praying relief, &c. read and referred.

1698. *Die Luna 12 Decembris, 1698.* A Petition of *Thomas Hopkins* Esq; setting forth; That at the late Election of Members to serve in this present Parliament for the said City of *Coventry*, the Majority of Electors appeared, and would have voted for the Petitioner and *Richard Hopkins* Esquires, had they not been prevented by the Threats and Riotous Practices of those that appeared for *Sir Christopher Hales*, for whom many were polled who were not qualified, and a Scrutiny of the Poll was deny'd the Petitioner; by which, and other undue means, the said *Sir Christopher* got himself return'd as duly elected, to the Petitioner's wrong, who ought to have been returned in his stead, and praying the House to take the Premises into Consideration; was read and referred. Also,

A Petition of *Thomas Gery* Esq; setting forth, that at the late Election of Members to serve in Parliament for the said City of *Coventry*, the Petitioner with *Richard* and *Thomas Hopkins* Esquires, and *Sir Christopher Hales* stood Candidates, and *Samuel Hunt* Deputy of the then Sheriffs of the said City, carry'd himself with great partiality against the Petitioner, and adjourn'd the poll without the Petitioner's Consent, and several indirect means were used by the said *Richard* and *Thomas Hopkins* to gain Votes for them, otherwise the Majority would have fallen on the Petitioner, who ought to have been returned; and praying the House to consider the Premises, and to do what they shall think fit therein; read and referred.

Burgus de Cricklade Com' WILTS.

Gr. Domesday. fol. 15, 65, 66, &c.

In Domesday Book under the Title Terra Regis in Wiltescire is this Entry, viz.

Rex habet de tertio denario de Chrichelade 5 l.

Rex Tenet Albebord Ghida tenuit Tempore Regis Edwardi Geldabat pro 40 Hidis, &c. Huic manerio pertinebant 6 Burgenfes de Chrichelade reddentes 64 Denarios.

Episcopus Sarisberienfis tenet Ramesberie, &c. In Chrichelade huic manerio pertinentes 5 Burgenfes Reddunt 5 Solidos.

Ecclesia Glastinberienfis tenet Badberie, &c. in Chrichelade 1 Burgenfis reddit 5 denar.

Ecclesia Sancti Petri Westmonasterienfis tenet Ecclesiam de Chrichelade, & habet ibi plures Burgenfes & tertium Denarium ejusdem Vilæ totum simul reddit 9 l. Quod habet Sanctus Petrus Westmonast.

Ecclesia Sceptherientis tenet *Ledington*, &c. In Chrichelade 1 Burgenfis reddit 6 Denarios; i. e. *One Burgefs belonging to that Mannor.*

1690. *DIE Martis 1 Aprilis, 1690.* A Petition of *Samuel Barker* Esq; setting forth, That he had the majority of duly qualified Voices, and was thereby duly elected a Burgefs for the said Burrough; notwithstanding which the Bailiff of the same, by many indirect Practices used by him and *Coll. Webb*, hath returned the said *Coll. Webb* to serve for the said Burrough, in prejudice to the Petitioner; and praying the Consideration and Relief of the House: Read and referred. And in the following Session, viz.

Die Jovis 16 Octobris, 1690. Mr. *Barker* renews his Petition, That the Burgesfes elected to serve for *Cricklade* in *Wilts* have, time out of mind, been chosen by the Freeholders, Copyholders, and Leaseholders, for any term no less than three Years: By the majority of whom on the 24th of *February* last, the Petitioner with *Charles Fox* Esq; were duly elected; but the Bailiff hath made a Return of the said *Charles Fox* and *Edmund Webb* Esq; in injury of the Petitioner, &c. read and referred.

1695. *Die Martis 26 Novembris, 1695.* A Petition of several of the Inhabitants of the said Burrough, setting forth, That on the 19th of *October* last, about two a Clock in the Afternoon, *John Wild* Bailiff of the said Burrough gave notice by Proclamation, that at nine a Clock the next morning he would proceed to an Election of Burgesfes to serve in this present Parliament for the said Burrough: Which short notice being look'd upon as insufficient, and several of the Electors being absent, and others intending to go to Neighbouring Markets on that Day, the Bailiff was applied to, to defer the Day of Election to a reasonable time, but he positively refused to do it, and went to an Election according to the said short Notice, and hath returned

Edmond Webb and *Charles Fox*, Esquires as duly elected, although several protested against the said Election, and did not give their Votes, which Actings of the Bailiff were done with Design to surprize the Petitioners, and are illegal as they conceive, and may be a dangerous Consequence to the Constitution of Parliaments if not prevented; and praying the Consideration of the House in the Premises, and the Preservation of the Petitioner's Right therein; was read and referred to the Committee of Privileges and Elections.

Die Jovis 20 Februarii, 1695. Order'd, That the Report from the said Committee, touching the Election for the said Burrough, be made on *Saturday* Morning next. And accordingly

Die Sabbati 22 Februarii, 1695. Coll. *Granville* reported from the said Committee the matter touching the said Election, as it appeared to the said Committee, viz. Report.

Upon the Petition of divers of the Burgesses of *Cricklade*, complaining of want of due Notice at the Election of Burgesses to serve for the said Burrough of *Cricklade*, the Committee have examin'd the matter of the said Election.

And as to that Matter 'twas proved, that Notice was given at two a clock, that the Election would be at nine the next Day.

That it also appeared to the Committee, that Application had been made to the Bailiff to put off the Election to a further time, and he refused to do so.

That the Petitioners called *Mr. Israel Hayes*, who said, that the Bailiff the Day before the Election refusing to put off the Election to a further time, and denying to give a List of such Persons as had a Right to vote, *Mr. Stiles* one of the Candidates next Morning at ten a clock went out of Town.

Richard Skilling said, that one *Watts* was out of Town the Day before the Election, and that *Fitzhugh* was supposed to be at *Gloucester*, and did not come to Town till the Election was near over.

" That it was agreed, that the Right of Election was in the Freeholders, Copy-holders and Lease-holders for not less than three Years; from whence the Petitioner's Council argued, that it could not be a reasonable Notice, because Deeds were necessary to be produced to make out the Voter's Right, which would require a longer time. ¶

That for the fitting Member were produced.

Mr. Navet Masculine, who said, that when they were come to the Church to elect People were surprized that *Mr. Stiles* did not appear, and that the Bailiff sent three several Messages to him, but he did not think fit to come; and upon the third Message word was brought, that he was out of Town, and thereupon the Bailiff proceeded to take the Poll upon the Advice of the Neighbours and Gentlemen there present.

That three Proclamations at least were made before the closing of the Poll, and believes it was at least one a clock before the Poll was closed. And that by the Bailiff's List there could not be above 15 or 16 absent, some of which he knew would have been for the fitting Member.

That it also appeared by the Evidence of the said *Mr. Masculine* and one *Walter Colein*; that there had been several Elections at *Cricklade* upon as short Notice.

That upon the Poll the Numbers were thus: For

Mr. Fox	61.
Mr. Webb	50.
Mr. Stiles	15.

And it appeared by the Poll, that eight of the Petitioners had voted at this Election, viz. *John Miflin*, *Mark Pitt*, *Richard Painter*, *William Palmer*, *John Flus*, *Guy Smart*, *Richard Adams* and *William Betterton*. And

Thomas Weston proved another of the Petitioners, viz. *Anthony Reading* to be in *Cricklade* at the Time of the Election.

That upon the whole matter the Committee came to these Resolutions, as their Opinion, viz.

1. " That *Charles Fox*, and *Edmond Webb*, Esquires are duly elected Burgesses to serve in this present Parliament for the Burrough of *Cricklade* in the County of *Wilts*.
2. " That the Petition of the Burgesses of *Cricklade* in the County of *Wilts* is Vexatious, Frivolous and Groundless.

Die Lune 12 Decembris, 1698. A Petition of *Joseph Stiles*, Esq; setting forth, that *Charles Fox*, Esq; and the Petitioner were duly chosen to serve in this present Parliament for the Burrough of *Cricklade* in the County of *Wilts*; but the Bailiff hath instead 1698.

Burgus de Cyrencester.

instead of the Petitioner return'd *Edward Plydal*, Esq; as Burgeſs for the ſaid Burrough, to the Petitioner's great Wrong; and praying Relief in the Premiſſes.

Die Luna 2 Januarii, 1698. *Charles Fox*, Esq; being choſen a Citizen for the City of *Salisbury*, and alſo a Burgeſs for the ſaid Burrough of *Cricklade*, made his Election to ſerve for the City of *Salisbury*. And

Order'd, That Mr. Speaker do iſſue his Warrant to the Clerk of the Crown to make out a new Writ for the ſaid Burrough of *Cricklade* in his room.

Burgus de Cyrencester in com' GLOUCESTER.

22 Jacobi,
A. D. 1624.

DIE Veneris 21 Maii, 22 Jacobi, A. D. 1624. *On a controverted Election for this Town or Burrough, between Sir William Maſters and Sir Maurice Berkley. It was upon the Queſtion reſolved by the Houſe.*

1. That no Conſent of Parties or Competitors can alter the legal Courſe of Elections.
2. That where there is no Charter or Cuſtom to the contrary the Election is to be made by all the Houſe-holders.
3. That *Sir William Maſters* is duly elected, having the greater Number of Inhabitants and Freeholders.
4. That where there is neither Charter nor Cuſtom, nor free Burgeſſes in any Burrough, there the Election is to be made by the Houſe-holders, and not by the Free-holders.

1679. **D**IE Luna 14 Aprilis, 1679. *Vide Caſt Gynſtead.*

1689. *Die Luna 24 Martii, 1689.* A Petition of *John How*, Esq; that he was duly elected a Burgeſs to ſerve for *Cyrenceſter* by the Majority of qualified Electors, and ought to have been return'd by the Steward of the ſaid Burrough, to whom the Precept was directed; but he by undue Practices hath returned *Henry Powle* and *Richard How*, Eſquires in injury of the Petitioner; and praying the Conſideration of the Houſe, &c. read and referred to the Committee. And ſee the next Seſſion, viz.

1690. *Die Luna 6 Octobris, 1690.* Being the ſecond Seſſion of the fix years Parliament, the ſaid Mr. *How* renewed his Petition, viz. that he was duly elected for the ſaid Burrough by the majority of Electors duly qualified, and ought to have been return'd by the Steward there, to whom the Precept was directed; but he by indirec't Means and Practices hath unduly return'd *Henry Powle*, and *Richard How*, Eſquires, in Injury of the Petitioner; and praying, &c. read and referred.

Die Sabbati 1 Novembris, 1690. *Order'd*, That the Report from the Committee of Privileges and Elections, touching the Election for the Burrough of *Cyrenceſter*, be made on *Tueſday* Morning next at ten a clock.

Report. *Die Martis 4 Novembris, 1690.* Mr. *Gray* reported the matter of the Election for the ſaid Burrough with the Reſolutions of the Committee thereupon, which he read, &c. as follows.

That it came before the Committee on the Petition of *John How*, Esq; complaining of an undue Election and Return of *Henry Powle* and *Richard How*, Eſquires; and thereupon the Committee examined firſt the Merits of the Election: And the Petitioner's Council inſiſted.

That the Right of Election was in all the Inhabitants of the Burrough, who did not receive Alms of the Pariſh.

The Council for the fitting Member inſiſted, that the Right was in the Inhabitants, but excluſive of all that receiv'd any charitable Donative given to the Poor, as well as to thoſe that received Pariſh Alms.

That the Poll at the Election was taken of all Perſons promiſcuouſly, and upon the caſting of it up the Numbers were,

For	{	Mr. <i>Powle</i> ———	340.
		Mr. <i>Richard How</i> ———	323.
		Mr. <i>John How</i> ———	409.

That the determining of the Election depended upon his ſetting the Qualification of the Voters; and the great Queſtion before the Committee was, whether thoſe that received a certain Charity (called *By-mony*) ſhould be allow'd, but as to many of them, it appeared it was only received by their Wives.

That the Nature of this Charity is thus. 'Tis a certain yearly Charity given to the Burrough, and distributed by the Church-Wardens and Overseers to such as do not receive Alms of the Parish, or pay to the Poor; for which the Donor hath provided, that the Church-Wardens and Overseers shall have 6 s. 8 d. for their pains in distributing it; and it is sometimes given to one and sometimes to another, by 6 d. and 1 s. at a time.

That it did not appear that those Persons that received this Charity had been excepted to, but only at my Lord Newburgh's Election in King James's time, who was return'd and fate, but there was a Petition against him by Mr. Powle; which Petition was withdrawn, and so there was never any Judgment of the House upon it; and that thereupon the Committee came to several Resolutions, which he read in his Place, and then delivered in at the Table, where the same were read, and are as follow, viz.

1. " That the Inhabitants of the Burrough of Cyrencester receiving a charitable Donative, commonly called By-money, have not a Right to vote in electing Burgesses to serve in Parliament.

2. " That the Inhabitants of the Burrough of Cyrencester being Inmates, have no Right to vote in electing Burgesses to serve in Parliament.

3. " That Henry Powle, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of Cyrencester.

4. " That Richard How, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of Cyrencester.

The first of the said Resolutions being read a second time, and the Question being put, that the House do agree with the Committee in the said Resolution. The House divided, Yea's 164. No's 170. So it pass'd in the Negative.

The second Resolution being read a second time, the same was upon the Question put thereupon agreed unto by the House.

The third Resolution being read a second time, and the Question being put for a Recommitment. Resolved, That the Matter be recommitted for the summing up of the Poll between all the Parties.

Ordered, That the Committee of Privileges and Elections do sit upon Thursday next in the Afternoon in the House, upon the Matter recommitted as aforesaid.

Ordered, That the Steward of the Town of Cyrencester do attend the said Committee at the time aforesaid.

Die Sabbati 8 Novembris, 1690. Mr. Gray reported from the Committee of Privileges and Elections (to whom the Matter touching the Election for the Burrough of Cyrencester was recommitted) that the said Committee had come to several Resolutions which he deliver'd in at the Table, where the same were read, and are as follow, viz.

1. " That the Committee was of Opinion, not to proceed to sum up the Poll without hearing further Evidence, touching all Parties concern'd.

2. " That the House be moved to give leave to the Committee to examine further Evidence as to all the Parties concern'd in the said Election.

Which Resolutions being severally read a second time were upon the Question severally agreed unto by the House. And ordered, that the said Matter be heard by the House upon Tuesday sevenight next. But then, viz.

Die Martis 11 Novembris, 1690. Ordered, That the Matter of the Election of Burgesses to serve in this present Parliament for the said Burrough of Cyrencester be heard at the Bar of this House upon this Day fortnight.

Die Lune 17 Novembris, 1690. Ordered, That the Books of the Overseers of the Town of Cyrencester in the County of Gloucester be forthwith left with the Clerk of this House, by John How, Esq; or such other Person as hath the same, that they may be inspected by the Parties concern'd in the hearing, which is to be at the Bar of this House, touching the Election for the said Burrough of Cyrencester.

Die Martis 25 Novembris, 1690. The Matter touching the Election of Burgesses to serve in Parliament for the Burrough of Cyrencester, coming on to be heard at the Bar of this House (according to the Order of the Day) the Council for all the Parties were called in: And after they were heard and withdrawn,

The Question was put, that Henry Powle, Esq; is duly elected one of the Burgesses to serve in this present Parliament for the Burrough of Cyrencester in the County of Gloucester.

The House divided. No's go forth :

Tellers { Lord Pawlet } Yea's 132.
 { Mr. Palmes }

Tellers { Lord Falkland } No's 162.
 { Mr. Gwyn }

So it passed in the Negative.

Resolved, That *Richard How*, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of *Cyrencester* in the County of *Gloucester*.

Resolved, That *John How*, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of *Cyrencester* in the County of *Gloucester*.

Ordered, That the Clerk of the Crown do attend this House to morrow Morning, to amend the Return for the Burrough of *Cyrencester* in the County of *Gloucester*.

Die Mercurii 26 Novembris, 1690. The Clerk of the Crown attended, and amended the Return of Burgesses to serve in this present Parliament for the said Burrough of *Cyrencester*, by rasing out the Name of *Henry Powle*, Esq; and inserting the Name of *John How*, Esq;

1691. *Die Sabbati 31 Octobris, 1691.* A Petition of *John Braman*, Esq; setting forth, that he was duly elected a Citizen to serve in this present Parliament for the said City of *Cyrencester* by those who had a due Right to vote; but that the Mayor of the said City hath return'd Sir *Thomas Miller*, Kn^t. and *Thomas May*, Esq; in prejudice to the Petitioner; and praying the Consideration of the House in the Premises; read and referred.

1695. *Die Jovis 5 Decembris, 1695.* A Petition of *Henry Ireton*, Esq; setting forth, that the Petitioner being invited by divers of the Inhabitants of the said Burrough to serve as a Burgess for the said Burrough in this present Parliament, did stand as a Candidate with *John Guise*, *Richard How*, and *John How*, Esquires; that the said two Mr. *How*s, or their Agents, did by Threats and Promises, both before and at the said Election, deter and corrupt divers qualified Persons from voting for the Petitioner; and did insist and prevail, that other qualified Electors who voted for the Petitioner, were rejected upon the Poll, to the great prejudice of the Petitioner's Right; by reason of which, and many other illegal Practices the said *John* and *Richard How* were returned; and praying the Consideration of the House, and Relief in the Premises, was read and referred.

Burgus de Dartmouth, aliàs Clifton Dartmouth hardness,
in Com' DEVON.

1689. *DIE Veneris 25 Octob. 1689.* A Petition of *Joseph Hern*, Esq; was read; setting forth, That *Charles Boone*, Esq; late a Member of this House for the said Burrough, dying on the 12th of *August* last; the 19th of the same Month the Petitioner and *George Booth*, Esq; stood Candidates for Burgesses of the said Town, and the Petitioner was elected by a great majority of the legal Freemen thereof, and accordingly return'd by the Bailiff and Burgesses: But one Mr. *Whitrowe* (as Mayor of the said Town, tho' not legally chosen) had taken upon him illegally to make 25 new Freemen after the Return of the Writ; and by these new pretended Freemen, and some of the former Freemen's Election, he (having the Possession of the Writ) had therewith return'd the said Mr. *Booth* in prejudice to the Petitioner; and praying Consideration and Relief, and a speedy Day to be appointed for the Hearing.

Ordered, That the Consideration thereof be referred to the Committee of Elections as usual.

Die Mercurii 27 Novembris, Ordered, That the Report from the said Committee, touching the said Election, be made to morrow Morning at ten of the clock. And accordingly

Report. *Die Jovis 28 Novembris*, Mr. *Gray* reports the Case touching the said Election. "That it appear'd the Right of Election was in the Freemen of the said Burrough, and that the determining of the present Election depended upon the allowing or not allowing of the Voices of 25 Freemen made the 17th of *August* last, " whereof

Burgus de Dartmouth.

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whereof 24 voted for Mr. *Booth* the fitting Member; and if these were not good Voices, the Majority was agreed to be with the Petitioner, and as to the making the said Freemen, the Fact was thus.

That Mr. *Boone* the late Burges being dead, on the 13th of *August* last there was an Order of this House for a new Writ; and on the 16th of *August* the said Writ was Tested, on which Day there was a Discourse at *Dartmouth*, That Mr. *Boone* was dead; But Mr. *Booth* and Mr. *Hern* were not then particularly named to stand for Burgeses.

That the 17th of *August*, being *Saturday*, and no common Court-Day, the said 25 Freemen were made: But it was agreed, the Mayor might call a Court any Day. That it appear'd, the Freemen of the said Burrough had formerly been made by consent of the Mayor, and greater part of the Magistrates of the said Town. E

That at the time of making the said Freemen, there were in being for the Town five Magistrates, besides the Mayor, but two of them, viz. *Saunders* and *Kennycot*, were unqualified, not having taken the Oaths; and at the making these Freemen were present the Mayor and three Magistrates, viz. *Mudd*, *Holfworth*, and *Saunders*; and that the two former protested against their being made free; but *Saunders* agreeing with Mr. *Whitrow* the Mayor, the Mayor claimed his casting Voice, and commanded *Kelly* the Town-Clerk to swear them, who at first refused, but afterwards swore them.

That some of the said 25 were 50 or 60 Years of Age; and that it was usual, when there were not sufficient Freemen for the Service of the Town, to make new Freemen, and at this time there were 50 or 60 Freemen.

That only Freemen were returned on Juries; and on one Jury only 11 appearing, the Mayor sent out for another Jurymen. And that upon the whole matter the Committee came to these several Resolutions:

1. "Resolved, *nem. contr.* That the said 25 new Freemen, made after the Writ bore "Teste, were not duly nor legally made.
2. "Resolved, *nem. contr.* That *George Booth* Esq; was not duly elected.
3. "Resolved, That *Joseph Hern* Esq; was duly elected a Burges for the said "Burrough.

To all which Resolves the House agreed, and the Clerk of the Crown attending with the Indenture of the Return, was called in and amended the Return, by striking out the Name of Mr. *Booth*, and inserting the Name of Mr. *Hern*; and the said Mr. *Hern* was admitted into the House accordingly. And,

Ordered, That Mr. *Whitrow* the late Mayor be taken into Custody for his Misdemeanours in making the said Freemen.

Mercurii 4 Decemb. 1689. Mr. *Whitrow* being in Custody, petitions the House, That he was deeply sensible of their Displeasure, and heartily sorry for the same; acknowledges his Offence in making the said Freemen, begs Pardon, and prays to be Discharged: Which was ordered on paying his Fees. And he being brought to the Bar of the House by the Serjeant, was reproved by Mr. Speaker for disorderly making of the said Freemen after the Teste of the Writ, and was dismissed according to the said Order. 1689.

Die Luna 24 Martii, 1689. A Petition of *George Booth* and *Arthur Bailly* Esquires, That they were duly elected for the Town of *Dartmouth* in the County of *Devon*; notwithstanding which the Bailiff of the said Town hath returned *Joseph Hern* and — *Hayne* Esquires; and praying the Consideration of the House, and relief in the Premises; read and referred. But nothing further done therein.

Die Luna 12 Decembris, 1698. A Petition of *John Whitrow* the younger, Merchant, setting forth, That the Petitioner was duly chosen a Burges to serve in this present Parliament for the said Burrough of *Clifton-Dartmouth* and *Hardness* in the County of *Devon*; yet the Mayor hath return'd Sir *Joseph Hern* and *Fredrick Hern* Esq; as duly chosen for the same, and praying relief in the Premises; read and referred. 1698.

Die Martis 28 Novembris, 1699. A Petition of *John Whitrow* Esq; complaining of an undue Election and Return for the said Burrough, was presented to the House, and read. 1699.

And the House being acquainted, that the former Petition of the said Mr. *Whitrow* the last Session of this Parliament, was then against both the sitting Members, and taking notice, that the present Petition is only against one of them.

And a Motion being made, and the Question being put, That the Consideration of the said Petition be referred to the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the same, with their opinion therein, to the House. It passed in the Negative.

Die Sabbati 2 Decembris, 1699. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſs for the ſaid Burrough, in the room of Sir *Joſeph Hern* Knight, deceased.

Die Martis 9 Januarii, 1699. A Petition of *John Davy* Esq; High Sheriff of the County of *Devon*, was presented to the House and read, acquainting the House, that he having pursuant to the Writ to him directed, sent his Precept to the Mayor and Burgeſſes of *Clifton-Dartmouth* and *Hardneſs*, for electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Burrough, in the room of Sir *Joſeph Hern* deceased, and delivered the ſame to Mr. *Whitrow* the Mayor, who proclaimed the Day for the ſaid Election, but died before the Day appointed; and that the Burgeſſes and Free-men (notwithſtanding) proceeded to the Election, and ſome of them returned *Nathaniel Hern* Esq; by one Indenture, and others returned *Rowland Holt* Esq; by another Indenture; and praying the Direction of the House, whether both, or which of the two Indentures he ought to return to the Clerk of the Crown, or whether he can return either of them, they not coming to his Hands by the proper Officer, who died after Proclamation made, and before the Election.

Ordered, That the Sheriff be directed (according to his Duty) to make a Return of his Writ.

Die Jovis 18 Jan. 1699. A Petition of *Nathaniel Hern* Esq; was presented and read, complaining of an undue and double Return for the ſaid Burrough; and referred to the Committee. Also,

A Petition of all the Magiſtrates (ſave one) all the Common Council, and the greater Number of the Free-Burgeſſes of the ſaid Burrough of *Clifton-Dartmouth* and *Hardneſs*, was presented and read, complaining of making Freemen and Officers of the ſaid Burrough by virtue of *Mandamus's*, and praying the Consideration of the House thereof.

Ordered, That the ſaid Petition do lie upon the Table. *Vide infra.*

Die Lune 5 Febr. 1699. Ordered, That the Report from the Committee, touching the ſaid Election, be made upon *Turſday* morning next. But,

Die Jovis 8 Febr. 1699. Then it was ordered to be on *Saturday* morning next. And then, *viz.*

Die Sabbati 10 Febr. 1699. Ordered, That the Report touching the ſaid Election be made upon *Monday* morning next.

Die Lune 12 Febr. 1699. A Petition of all the Magiſtrates, ſave one, and all the Common Council of the ſaid Burrough, on behalf of themſelves and the major part of the Free-Burgeſſes of the ſaid Burrough, was presented and read.

And a Debate ariſing in the House thereupon.

Resolved, That this House will upon this Day ſennight take into Consideration the matter relating to *Charters* and *Mandamuſſes*, which have been lately made and granted.

Sir *Rowland Gwyn* reported from the ſaid Committee the Matter, as it appeared to them, touching the Election and Return for the ſaid Burrough, and the Resolutions of the Committee thereupon, which he read, &c. *viz.*

1. "That *Nathaniel Hern* Esq; is not duly returned a Burgeſs to ſerve in this preſent Parliament for the ſaid Burrough of *Clifton-Dartmouth* and *Hardneſs*.

2. "That *Rowland Holt* Esq; is not duly returned a Burgeſs to ſerve in this preſent Parliament for the ſaid Burrough of *Clifton-Dartmouth* and *Hardneſs*.

A Motion being made, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſs to ſerve in this preſent Parliament for the ſaid Burrough, in the room of Sir *Joſeph Hern* Knight, deceased.

And a Debate ariſing in the House.

Ordered, That the ſaid Debate be adjourned until this Day ſennight, after the Consideration of the Matter relating to *Charters* and *Mandamuſſes*, which have been lately made and granted.

Comitatus de Denbigh.

In Sir Simon Dew's Journal, fol. 627. is this Entry, touching an Election of a ⁴³ Eliz. Knight of the Shire for the said County of Denbigh, viz.

DIE Jovis 5 Novembris, 1601. Sir Robert Cecill mov'd the House to have their 1601.
Opinions, in that there wanted a chief Member, viz. a Knight for Denbigh-shire; and said, I am to certifie thus much to the House in respect of some Disorder committed there touching the Election, by Sir Richard Trevor and Sir John Fludd, to which Sir J. Salisbury is a party, the Sheriff could not proceed in Election. For mine own part, I think it fit that Mr. Speaker should attend my Lord Keeper therein, (note, attend) If it please you, You shall hear the Letter; Which was read, and the Contents thereof were as follow, viz.

"That on the 21st Day of October, at he kept the County-Day, and there
"being quietly chusing the Knights for the Shire, a Cry came suddenly, that Sir Richard Trevor and Sir John Fludd on the one part, and Sir J. Salisbury on the other,
"were a fighting, and all their Companies were ready to do the like: Whereupon
"presently I went to the Church-yard where they were, and there I found both Parties with their Swords drawn ready, but with much ado pacified them both; and
"feating, lest by drawing such a Multitude together, there might great Danger and
"Bloodshed happen, I made Proclamation that every Man should depart; By means
"whereof I did not execute her Majesty's Writ as I thought to have done; rather
"chusing to adventure your Honours Censures herein, than to hazard so great a Bloodshed. (subscribed)

Your Honours most Humbly at Commandment,

Owen Vaughan.

Also Mr. Secretary said, there was a Schedule annex'd to the Letter, which had some matters of Importance, not fit to be read; yet if it pleased the House to command it, they should; whereupon all cried, No, no.

Sir Edward Hobby answered, Methinks under favour the Motion Mr. Secretary made is good, but the Form therein (I speak with all reverence) not fitting the State of this House: For he said, Mr. Speaker shall attend my Lord Keeper. Attend! It is well known, that the Speaker of the House is the Mouth of the whole Realm: And that the whole State of the Commonalty of a Kingdom should attend one Person, I see no reason. I refer it to the Consideration of the House; only this Proposition I hold, That our Speaker is to be commanded by none, neither to attend any but the Queen only.

Mr. Johnson said, the Speaker might *ex Officio* send a Warrant to the Clerk of the Crown, who is to certifie the Lord Keeper, and so to make a new Warrant.

Sir Edward Hobby said, That for Election of Burgeses he had seen half a score yesterday with Sir John Puckering's hand when he was Speaker.

Mr. Speaker said, I may inform you of the Order of the House, that a Warrant must go from the Speaker to the Clerk of the Crown, who is to inform the Lord Keeper, and then to make a new Writ.

Mr. Secretary Cecill said, I should be very sorry to detract from any particular Member of this House, much more from the general State: My Meaning was mistaken, and my Words misconstrued, yet both in Substance agreeing with Mr. Speaker.

Villa de Denbigh in Com' DENBIGH.

DIE Mercurii 26 Martii, 1679. A Petition of the Aldermen and Burgeses of the 1679.
Burrough of Ruthin in the County of Denbigh, complaining of undue Practices in the Election of a Burges to serve in this Parliament for the said Town and Burrough of Denbigh; was read and referred. But nothing more this Parliament.

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1690. *Die Sabbati 29 Martii, 1690.* A Petition of the Burgesses of the Burroughs of Denbigh and Ruthin, setting forth, That the said Burroughs, and the Vill of Holt, (a small open Village) are the ancient and only Burroughs and Vills in the said County, who have right of electing Members to serve for the Burroughs in the County of Denbigh; that the said Vill of Holt (tho' no Corporation) hath lately assumed the power of making great numbers of Foreigners Burgesses of the Vill, to serve the Turns of some Persons to be elected, and by Combination with others, have joined with Thomas Harper and Robert Knowles of Denbigh, arrogating to themselves the polling of the Electors; and to have Edward Brereton Esq; returned, did admit great numbers of Persons so unqualified to vote for the said Edward Brereton, and have accordingly returned them, tho' William Williams Esq; was duly elected by the majority of rightful Burgesses of the said Burrough; and praying the Consideration of the House, and Relief in the Premises; read and referred. Also,

A Petition of William Williams Esq; That by divers Abuses, Bribes, ill Practices and Menaces, Edward Brereton Esq; was returned for Denbigh Ruthin and Holt, by Thomas Harper and Robert Knowles, who were no legal Bailiffs for the said Burrough of Denbigh, in prejudice to the Petitioner, who had the majority of qualified Voices; and praying the Consideration of the House in the Premises, and Relief therein; read and referred. And,

Die Luna 6 Octobris, 1690. In the following Session, The said Mr. Williams again petitions, that by very undue and irregular Practices Edward Brereton was returned for the Burrough of Denbigh, though the Petitioner was duly elected by the majority of the Burgesses who had a right to vote: But the pretended Bailiffs, by such irregular Practices, have made such Returns as aforesaid; read and referred. Also,

A Petition of the Burgesses of the Burroughs of Denbigh and Ruthin, viz. That the Vill of Holt, being no Corporation, nor having any power to make Foreign Burgesses, yet of late hath made great numbers, designing thereby to out-number the aforesaid Burroughs, to their manifest Injury, purely to serve the Turns of some Persons designing to be elected; and they (so unduly admitted Burgesses) by Combination with Thomas Harper and Robert Knowles, arrogating to themselves the power of polling Electors, did also admit great numbers of unqualified Voices for Edward Brereton Esq; against the said Mr. Williams, and have made a Return thereupon, tho' the said Mr. Williams was elected by the majority of rightful Voices, and ought to have been returned accordingly, &c. read and referred. And in the next Session, viz.

1691. *Die Sabbati 31 Octobris, 1691.* A Petition of the Burgesses of the Burroughs of Denbigh and Ruthin in the County of Denbigh, setting forth, That the Vill of Holt, with the said Burroughs of Denbigh and Ruthin, have right to vote for Burgesses; and yet the said Vill hath assumed the power of making great numbers of Inhabitants of other Counties Burgesses of the said Vill, contriving thereby to out-vote the legal Electors of the aforesaid Burroughs, in prejudice to their Rights and Freedoms, and praying the Consideration of the House in the Premises; read and referred. Also,

Die Luna 2 Novembris, 1691. Another Petition of William Williams Esq; setting forth, That notwithstanding many illegal Practices by the Burgesses of the Vill of Holt in the County of Denbigh, he was duly elected a Burgess by the majority of the legal Voters for the Burroughs of that County; and yet Thomas Harper and Robert Knowles, the pretended but not legal Bailiffs, have returned Edward Brereton Esq; in prejudice of the Burrough's and the Petitioner's Right, and praying the Consideration of the House, and Relief in the Premises; read and referred.

1700. *Die Luna 17 Febr. 1700.* A Petition of Thomas Cotton Esq; was presented and read, complaining of an undue Election and Return for the said Town of Denbigh, and referred to the Committee.

Die Matis 25 Febr. 1700. A Petition of several of the Burgesses of the Burrough of Holt, in the County of Denbigh, on behalf of themselves and other Burgesses of the said Burrough of Holt, complaining of an undue proceeding of the Mayor of the said Burrough, in making Burgesses for electing Members to Parliament, and praying the Consideration of the House therein; was read, and referred to the Committee.

Villa de Derby in Com' DERBY.

THough in the antient Returns to Parliament of E. 1. for most Counties, Cities and Burroughs, the Knights Citizens and Burgeses are only named with their Manucaptors or Sureties in the Dorse of the Writ; yet in some of them the Elections are said to be made by the Bailiffs of the Burroughs, with the assent of the Community, or for the Community of such Burroughs.

So among the Returns to Parliament of 26 E. 1. The Writ for the said Town of Derby is by the Sheriff of the County endorsed thus. Et Breve istud retornat' fuit Williemo Oyler, Ballivo Libertatis Villæ de Derby, qui plenum Retorn' brevis habet pro duobus Burgenfibus ejusdem Villæ. Et idem Willielmus mihi respondit, Quod elegit assensu totius Villæ predictæ magistrum Willielmum Broun de Derby & Nicholaum le Latimer de eadem; with two Manucaptors for each.

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tant.

In the 12 H. 4. The Indenture of Return for this Town is, that by six of Electors therein-named, which were of the Community of the said Town, Et per multos alios de Communitate predicti Burgi de Derby, qui in Curia Burgi interfuerunt, (2 Burgenfes) were elected.

12 H. 4.

Burgus de Devizes in Com' WILTS.

DIE Sabbati 22 Martii, 1678. A Petition of the Common Council Men and Burgeses for the said Burrough, complaining of undue Practices in the Election of Burgeses to serve in that Parliament for the said Burrough, was read and referred. But nothing further done therein. 1678.

Die Lunæ 24 Martii, 1689. A Petition of the Burgeses of the said Burrough, that at the Election of Burgeses on the 17th of March last for the same Burrough a poll was taken, whereat 59 of the Burgeses appeared, and no more appeared either at the said Election or Poll, of which Walter Grubb, Esq; had 55. John Methwin, Esq; 36. and Sir Tho. Fowles 23, whereby the said Walter Grubb and John Methwin were duly elected and ought to have been return'd by Indenture under the Common Seal; yet notwithstanding Richard Hiller the present Mayor hath taken on himself privately without the Common Seal according to constant Usage, but by his own Seal to make a Return as the Act and Deed of the Burgeses, and to countenance such his Proceedings adjourn'd the Poll, and caused eight Persons who were elected Burgeses by virtue of the new Charter of the late King James, and were not living in the Town, and had no right of Elections to be polled for the said Sir Thomas Fowles; and notwithstanding the Majority were for Mr. Grubb and Mr. Methwin, yet the said Mayor hath return'd Sir Thomas Fowles, though unduly elected; and praying that the Merits of the Election may be examin'd, and their Right preserved; read and referred. Also 1689.

Die Jovis 27 Martii, 1690. A Petition of John Methwin, Esq; setting forth, that he with Walter Grubb, Esq; were duly elected, and ought to have been return'd by the Mayor and Burgeses; but the Mayor hath himself alone contrary to the Custom of the Burrough returned Sir Thomas Fowles and Mr. Grubb, by reason whereof (there being now a Double-Return) the Petitioner is hindred from sitting in the House; and praying that the Merits of the said Returns may be heard and examined together; read and referred. And ordered accordingly 1690.

Die Sabbati 29 Martii, 1690. Mr. Gray reported from the Committee of Privileges and Elections the Case touching the Double-Return for the said Burrough, and the Resolutions of the Committee thereupon, viz. That the Committee on inspecting the Precept and both Returns found that the Precept was directed by the Sheriff to the Mayor of the Devizes, and that Sir Thomas Fowles and Walter Grubb, Esq; are return'd by the Mayor, but without any Burgeses joining in the said Return: Also that by another Indenture John Methwin and Walter Grubb, Esquires are return'd by several

Report.

several of the Burgesses without the Mayor; and that thereupon the Committee came to the following Resolution, viz.

Resolved, That it is the Opinion of this Committee, that Sir *Thomas Fowles* and *Walter Grubb*, Esq; return'd by the Mayor are duly return'd to serve in this present Parliament for the Burrough of the *Devizes*. To which Resolution the House agreed, and ordered the Clerk of the Crown (who being at the Door was called in) to take from off the File the Indenture of Return of Mr. *Grubb* and Mr. *Methwin*, which was accordingly done. Notwithstanding which Resolution I find

Die Luna 6 Octobris, 1690. i. e. the following Session of Parliament, Mr. *Methwin* again Petitions the House, that he with *Walter Grubb* were duly elected for the said Burrough of *Devizes*, yet the Mayor hath taken on himself without the Consent of the Burgesses by a pretended Indenture executed by himself alone, contrary to the constant Usage of the said Burrough, falsely and illegally to return Sir *Thomas Fowles* with the said *Walter Grubb*, &c. read and referred. And

Report. *Die Luna 22 Decembris, 1690.* Mr. *Gray* reported from the Committee of Privileges and Elections, to whom it was refer'd to consider of the Petition of *John Methwin*, Esq; complaining of an undue Return of Sir *Thomas Fowles* for the said Burrough of the *Devizes*, viz.

That the Right appeared to be in the free Burgesses of the *Devizes*, and there is in the *Devizes* a Mayor, Recorder, and 12 major capital Burgesses, and 24 minor capital Burgesses as they are called, which are in the Nature of a Common-Council.

Richard Hope on behalf of the Petitioner said, he was Clerk of the Court of Record there in the Nature of a Town-Clerk, and took the Poll with Consent of the Mayor, and that the Numbers were,

For { Sir *Thomas Fowles*———23.
Mr. *Methwin*———36.

On behalf of the sitting Member, *Dauntsey Brounker* said, he took the Poll by Order of Sir *Thomas Fowles*, with Consent of the Mayor, and that the Number were,

For { Sir *Thomas Fowles*———31.
Mr. *Methwin*———36.

That afterwards Sir *Thomas Fowles* and Mr. *Methwin* came to the Mayor and agreed the Poll should be scrutinized by two of the Council as they call it, and two Gentlemen; and the not taking the Oaths appointed by the Officers to be taken before the first of *August* was admitted to be a good Exception, Mr. *Methwin* being present and not opposing it.

That on the Scrutiny it appear'd nine of those that voted for Mr. *Methwin* had not taken the Oaths, and five others had not sign'd the Declaration of the Test, and that there were only three of those who voted for Sir *Thomas Fowles*, who had not taken the Oaths, and but one who had not sign'd the Declaration.

Charles Danvers, Recorder of the said Burrough for 20 Years past said, that the new Burgesses used to take the Oath of 13 *Car.* and if not were put out, and also used to take the Test, and particularly Sir *John Isles* after he had taken the Oath of a Freeman was put out for not taking the other Oaths.

John Bolles said, that after 36 had polled for Mr. *Methwin* and 23 for Sir *Thomas Fowles*; the Town-Clerk said, there was an end of the Poll, but the Mayor told him, that was not his Business, and thereupon was a great Tumult, upon which the Town-Clerk did not go on, but afterwards eight more polled for Sir *Thomas Fowles*.

Francis Parradice, Sen. *John Rogers* and *Fran. Parradice*, Jun. testified, that the Recorder had declared his Opinion, that the free Burgesses were not obliged to take the Oaths.

But the Recorder has deny'd that ever he gave any such Opinion.

Francis Sadler said, that the Recorder ordered the Serjeant to go to all the free Burgesses and acquaint them, that they must see and take the Oaths, or they would be put out.

Richard Bundy said, the Quarter Sessions was adjourned several times for swearing free Burgesses.

Parradice, Sen. said, that the five objected against had taken the Oaths and paid their Money, but could not write, but desired their Hands might be put to the Declaration.

And that upon the whole Matter the Committee came to the following Resolution, viz.

“ That Sir *Thomas Fowles* is duly elected a Burgess to serve in this present Parliament for the Burrough of the *Devizes*.

And the Question being put, that the House do agree with the Committee in the said Resolution. The House divided Yea's 149. No's 157. So it passed in the Negative.

Then the Question being put, that *John Methwin*, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough. Resolved in the Affirmative.

Ordered, That the Clerk of the Crown do attend this House to morrow Morning to amend the Return for the Burrough of the *Devizes* according to the said Resolution.

Die Sabbati 7 Decembris, 1695. A Petition of *Sir Francis Child*; setting forth, that *Sir Edward Ernle* and the Petitioner, were duly elected Burgesses to serve in this present Parliament for the said Burrough, and ought to have been return'd; but by the undue Practices of the Agents of *John Methwin*, Esq; he is return'd with the said *Sir Edward Ernle* to the Petitioner's Injury; and praying that the House will hear and examine the Premisses, and give him such Relief therein as shall be just, was read and referred. 1695.

Comitatus de **Devon.**

The Return for Devonshire for the Parliament in the second Year of H. 5. was without any Indenture, only the Names of the Knights, Citizens and Burgesses, with their Manucaptors or Sureties were returned, and thereby only Citizens were returned for Exon, and Burgesses for five Burroughs, viz. Plympton, Tottness, Tavystock, Barnstaple and Dertmouth; and then the Return is closed with these Words. Et non sunt plures Civitates seu Burgi infra Comitatum prædictum. The Sheriff having omitted six of the present Burroughs, viz. Plymouth, Okehampton, Honiton, Ashburton, Berealston and Tiverton. Rot. Parl. 2 H. 5.

DIE Martis 15 Aprilis, 1690. *Ordered*, That Collonel Roll who is return'd as Knight of the Shire for the County of *Devon*, and also as a Burgess for the Burrough of *Penryn* in the County of *Cornwall*, do upon Thursday Morning next make his Election for which Place he will serve. 1690.

Die Jovis 17 Aprilis, 1690. *Ordered*, That Coll. Roll do upon Monday next attend in his Place to make his Election for which Place he will serve, whether as Knight of the Shire for the County of *Devon*, or as Burgess for the Burrough of *Penryn* in the County of *Cornwall*.

Die Martis 22 Aprilis, 1690. Coll. Roll made his Election for the County of *Devon*. Vide *Penryn*.

Villa & Burgus de **Dorchester** in com' **DORSET.**

This in the greater Domesday Book is described by it self with its Customs under the Title of Terra Regis as a very great Mannor only. And that it was the King's Demeasne Burgh, appears by Rot. Parl. 11. H. 4. No. 53. 55. Great Domesd. fol. 75. 4. 11 H. 4.

DIE Luna 18 Novembris, 1689. *Ordered*, That Mr. Speaker issue his Warrant to the Clerk of the Crown for making out a new Writ for the said Burrough, in the room of Mr. Nappier deceased. 1689.

Die Martis 3 Decembris, A Complaint being made to the House, that the Writ for electing a Burgess for the said Burrough of *Dorchester*, in the room of *Gerrard Nappier*, Esq; lately deceased was not executed by reason of the Change of the Sheriff of that County since the issuing of the said Writ.

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Ordered,

Ordered, That Mr. Cooper the late Under-Sheriff, and Mr. Atwell the present Under-Sheriff of the County of Dorset do attend to morrow Morning, to give an Account of the Reason thereof.

Die Mercurii 4 Decemb. 1689. The said Under-Sheriffs attending, were called in and examin'd at the Bar of the House concerning the issuing of a Precept for electing a Burgeſs for the ſaid Burrough, in the room of Mr. Nappier; and having given an Account thereof, they were commanded to withdraw; and thereupon *ordered*, that the Mayor of Dorchester do forthwith proceed to execute the Precept ſent him by the late Sheriff for electing of a Burgeſs for that Burrough.

Die Sabbati 21 Decembris. 1689. A Petition of Mr. Serjeant Bond, complaining, that tho' he was duly choſen a Burgeſs for the ſaid Burrough by virtue of a Writ lately iſſued for electing a Member there; yet Mr. Cheſſin had been return'd to ſerve for the ſaid Town to his Prejudice; and praying Redreſs; referred to the Committee of Privileges, &c.

Die Luna 24 Martii, 1689. A Petition of John Trenchard, Eſq; complaining, that he with James Gould, Eſq; were duly elected for the ſaid Burrough; notwithstanding which the Mayor hath return'd Sir Robert Nappier inſtead of the Petitioner for the ſaid Burrough; and praying the Conſideration of the Houſe, &c. was read and referred.

1690. *Die Jovis 3 Aprilis, 1690.* A Petition of the Inhabitants of the ſaid Burrough and Town of Dorchester; ſetting forth, that the right of electing for the ſaid Town is only in the Inhabitants reſiding there, paying Scott and Lott, until on one or two late Elections it hath been practiſed otherwiſe; the Mayor, Town-Clerk, and ſome of the Aldermen there having acted (contrary to their Freeman's Oath) very partially, by admitting Perſons on late Elections not ſo qualified as aforeſaid, to vote purely to elect ſuch Perſons as by the Wills and Pleaſures of the ſaid Mayor, Town-Clerk and Aldermen are ſet up; ſo that of late by ſuch Arbitrary Methods there have not been two Elections one after the other, choſen by one and the ſame Method, but contrary to each other, as hath beſt ſerved the Purpoſes of the ſaid Mayor, Town-Clerk and Aldermen; and praying to be ſetled in their antient Rights and Privileges; ſo that it may not be in the Power of the ſaid Mayor, Town-Clerk and Aldermen to deſtroy the ſame, or with-hold the Inhabitants from their antient Uſage; but that Elections for the future may be in thoſe who have right to vote and elect; read and referred.

Die Luna 6 Octobris, 1690. Being the next Seſſion Mr. Trenchard renews his Petition, viz. that he and James Gould, Eſq; were duly elected for the ſaid Burrough; yet the Mayor hath return'd Sir Robert Nappier inſtead of the Petitioner, &c. read and referred.

Die Mercurii 3 Decembris, 1690. *Ordered*, That the Chairman of the Committee of Privileges and Elections do make his Report of the Election for the ſaid Burrough of Dorchester on Saturday Morning next.

Die Sabbati 6 Decembris. *Ordered*, That the Chairman of the ſaid Committee do make his Report of the Election for the ſaid Burrough upon Wednesday Morning next. Yet

Die Mercurii 10 Decembris. Nothing was done therein. But

Report. *Die Martis 16 Decembris, 1690.* Mr. Gray reported from the Committee of Privileges and Elections the Caſe of the Election for the ſaid Burrough; referred to the ſaid Committee upon the Petition of Thomas Trenchard, Eſq; againſt the Return of Sir Robert Nappier; that the Committee had conſidered and examined the ſame, and that upon the Poll the Numbers were,

For { Sir Robert Nappier—146.
Mr. Trenchard—169.

And that the Majority was allow'd to be with the Petitioner. But

For the fitting Member it was inſiſted, that the Petitioner was a Minor, and it was proved, that that Objection was made to the Petitioner at the time of the Election, and that a Certificate thereof was then produced.

Alſo a Certificate was produced to the Committee, that Thomas the Son of Thomas Trenchard and Anne his Wife, was Baptized the 14th of February, 1671. neither was his minority oppoſed by his Council. And that thereupon the Committee came to the following Reſolutions, viz.

I. " That

1. "That *Thomas Trenchard Esq;* had the majority of Voices at the Election of Burgeses to serve in this present Parliament for the said Burrough of *Dorchester*.

2. "That the Matter of the said *Thomas Trenchard's* being a Minor be specially reported to the House.

The first of the said Resolutions being read a second time, and the Question being put, That the House do agree with the Committee in the said Resolution,

It passed in the Affirmative.

Then the Question being put, That *Sir Robert Nappier* is duly elected a Burges to serve in this present Parliament for the said Burrough of *Dorchester*.

It passed in the Negative.

Then the Question being put, That *Thomas Trenchard Esq;* is duly elected a Burges to serve in this present Parliament for the said Burrough of *Dorchester*,

The House divided. Yea's 177. No's 126.

So it was Resolved in the Affirmative.

Ordered, That the Clerk of the Crown do attend this House to morrow morning to amend the Return for the said Burrough, according to the said Resolution.

Die Mercurii 17 Decembris, 1690. The Clerk of the Crown attending according to Order, amended the Return for the Burrough of *Dorchester*, by rasing out the Name of *Sir Robert Nappier*, and instead thereof inserting the Name of *Thomas Trenchard Esq;*

Ordered, That the Chairman of the Committee of Privileges and Elections do upon *Munday Morning* next at nine a Clock make Report of such Elections as have been determined at the said Committee.

Comitatus de Dorset.

DIE Veneris 15 Febr. 1677. *Sir Thomas Meers* reports from the Committee of Privileges and Elections the Matter upon the Election of a Knight of the Shire for the County of *Dorset*, That the Committee taking the same into Consideration, had ordered him to make this Report following, viz.

Whereas on the 30th Day of *April* last an Election was intended to be made of a Knight of the Shire for the County of *Dorset*, upon a Writ legally issued for that purpose.

Resolved, That such Elections, and the Return thereupon, are void.

1st, Because the Sheriff did not execute or obey his Writ.

2dly, Because he left divers Freeholders unpoll, and made no due Proclamation before he closed the Poll.

3dly, Because he did not number those Voices he polled, nor declared who he judged to be duly elected.

Lastly, Because he returned two Persons, when he should have returned but one, and signified such his Return to be the Agreement of the Parties, rather than his Judgment according to Right and Law.

Resolved, That the House doth agree with the Committee, That whereas on the 30th Day of *April* last, an Election, &c. as in the Report above *verbatim*. And,

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Knight of the Shire to serve in this present Parliament for the County of *Dorset*, in the room of the Lord *Digby*, called up to the House of Lords.

Portus de Dover unus Quinque-Portuum.

1678. **D**IE Veneris 21 Martii, 1678. A Petition of Coll. *John Strode*, complaining of an undue Election and Return of Mr. — *Stokes* to serve in this Parliament for *Dover*; was read, and referred to the Committee of Elections and Privileges.

1679. **Report.** Die Martis 1 Aprilis, 1679. Sir *Thomas Meers* reports from the said Committee of Elections and Privileges, That the Committee had taken into Consideration the Matter of the Return of the Town and Port of *Dover*, and had agreed upon a Report, which he read in his place, and afterwards delivered in at the Clerks Table, where the same was read, and is as followeth, viz.

The Writ is directed, *Constabulario Castri Dover ac Custod. quinque Portuum vel ejus Locum Tenenti, ibidem*, upon which Writ is endorsed thus, *Executio istius Brevis patet in quibusdam Schedulis huic Brevi annexat — Responso Johannis Strode Armigeri Locum Tenentis Domini Regis Castri Dover, &c.* And to the said Writ is affixed,

1. A Precept made by *John Strode* Esq; the King's Lieutenant of *Dover-Castle*, directed to the Mayor, Jurats and Commonalty of the Town and Port of *Dover* in the County of *Kent*, to choose two Barons for the said Port; upon which Precept is endorsed thus, *Executionem istius Mandati patet in quadam Indentura huic Precept. annexat. per Major. Jurat. & Communitat Villa & Port. de Dover predict. in Comitatu predict.*

2. There is also affixed to the said Writ an Indenture, dated the 3d Day of *March* last, made between *John Strode* Esq; Lieutenant of his Majesty's Castle of *Dover*, of the one part, and the Mayor, Jurats, and Commonalty of *Dover*, of the other part: Witnessing, that they have chosen *William Stokes* Esq; and *Thomas Papillion* Esq; to be their Barons; and in witness thereof, the said Mayor, Jurats, and Commonalty had caused their common Seal to be affixed thereto; and accordingly there is a large Seal affixed to the same Indenture.

3. There is likewise affixed to the same Writ a Writing, purporting an Indenture, but made between no Body; witnessing, That the Mayor, Jurats, and Barons of the Town and Port of *Dover*, in a full Hundred there; that is to say, *George West* Deputy-Mayor, *John Valie* and *Aaron Wellard* Jurats, Five of the Common Council, and Ten others, stiled *Barons* of the said Port, have chosen *Thomas Papillion* Gent. and *John Strode* Esq; our common Barons: In witness whereof, We, the Mayor, Jurats, and Barons of the Port aforesaid, have put our Hands and Seals. And 'tis subscribed by *George West* Deputy-Mayor, and Seventy others, and Eighteen Seals affixed at the bottom: But no Great or Common Seal either to it, or mentioned so to be.

Resolved, That it is the opinion of this Committee, That the Indenture, wherein *William Stokes* Esq; and *Thomas Papillion* Esq; are returned to serve in this Parliament, as Barons for the Town and Port of *Dover*, is well and duly returned, and by the proper Officer, and that they ought to sit as duly returned, to serve in this Parliament for the said Town and Port of *Dover*.

Resolved, That this House doth agree with the Committee, That the Indenture, wherein *William Stokes* Esq; and *Thomas Papillion* Esq; are returned to serve in this Parliament as Barons for the Town and Port of *Dover*, is well and duly returned, and by the proper Officer, and that thereupon they ought to sit as duly returned to serve in this Parliament for the said Town and Port of *Dover*.

1697. Die Veneris 3 Decembris, 1697. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Baron to serve for the said Port of *Dover*, in the room of *James Chadwick* Esq; deceased.

Burgus de Downton in Com' WILTS.

DIE Jovis 3 Febr. 1700. A Petition of Sir Charles Duncombe was presented to the House and read, complaining of an undue Election and Return for the said Burrough of Downton, and referred to the Committee. 1700.

Burgus de Droitwich in Com' WORCESTER.

DIE Martis 1 Aprilis, 1690. A Petition of Sir John Packington Knight, setting forth, That he had the majority of legal Voices, and was thereby duly elected to serve for the said Burrough of Droitwich, and ought to have been returned with the Lord Bellamont; but that Philip Foley Esq; is returned with him, in prejudice to the Petitioner, and praying the Consideration of the House, and Relief in the Premises; read and referred. 1690.

Die Luna 6 Octobris, 1690. In the following Session, Sir John Packington renews his Petition, viz. That he was legally chosen with the Lord Bellamont for the said Burrough; yet Philip Foley Esq; is returned with the said Lord Bellamont, to the Petitioner's prejudice, and praying relief, &c. read and referred.

Die Sabbati 8 Novembris, 1690. Ordered, That the said Report be made upon Tuesday morning next at nine a Clock.

Die Martis 11 Novemb. 1690. Mr. Gray reported from the said Committee the matter touching the Election of Burgesses to serve in Parliament for the said Burrough, which he read as follows, viz. Report.

That upon the Petition of Sir John Packington against Philip Foley for the said Burrough, the Committee proceeded to examine the Merits of the said Election; and the Question was,

Whether the Right of Election was in the Burgesses of the Corporation of the Salt-Springs of Droitwich, or in the Proprietors of the Salt-Springs at large?

Of the Proprietors at large, Sir John Packington had 26

And Mr. Foley ——— 22

Of the Burgesses of the Corporation, Sir John Packington had 8

And Mr. Foley ——— 22

That as to the Burgesses, it appeared to the Committee, that none can be a Burgess of the Corporation, but they must have some Propriety in the Salt-Springs. But it also appeared, that several of the Corporation had only a Reversion upon a Pepper-Corn Rent reserved, after 500 or a greater Term of Years. And it likewise appeared, as well by ancient Rolls in the nature of Rentals said to be made *ex Assensu & Consensu omnium Burgenfium, & non Burgenfium*; whereof some were particularly expressed to be *non Burgenfium*, as also by Witnesses that many of the Proprietors were not Burgesses of the Corporation. And

It was testified, as well by Mr. John Philpot the Town-Clerk, as Mr. Robert Pendrice, one of the Proprietors (but not of the Corporation) That the Proprietors at large had no right to vote in electing Burgesses.

And that upon the whole matter the Committee came to these Resolutions, viz.

1. "Resolved, That the Right of electing Burgesses to serve in Parliament for the Burrough of Droitwich is in the Burgesses of the Corporation of the Salt-Springs of Droitwich.

2. "That Philip Foley Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of Droitwich.

Which Resolutions being severally read a second time, were upon the Question severally put thereupon, agreed unto by the House, *nemine contradicente*.

Die Martis 3 Januarii, 1698. Thomas Foley jun. being chosen a Burgess for the Burrough of Stafford in the County of Stafford, and also for the Burrough of Droitwich in the County of Worcester, made his Election to serve for the said Burrough of Stafford. 1698.

Burgus de Dunwich.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgess to serve for the said Burrough of *Droitwich*, in the room of the said Mr. *Thomas Foley jun.* who hath made his Election to serve for the Burrough of *Stafford*.

Die Sabbati 8 Martii, 1700. A Petition of *Rob. Steyner Esq;* was presented and read, complaining of an undue Election and Return for the said Burrough of *Droitwich*, and was referred to the Committee.

Burgus de Dunwich in Com' SUFFOLK.

Great
Domesday,
fol. 304^a.

In Great Domesday Book under Title Terra Regis in Com' Suff. is this Entry; viz. Dunwic tenuit Edricus de Lefefeld tempore Regis Edwardi pro uno manerio. Et modo Robertus Mallet, tunc duo Carucat Terra modo 1. mare abstulit aliam. Et semper 1 Carucat in Dominio, tunc 12 Bordar modo 2, & 24. Franci homines de 40 Acris Terræ (each 40 Acres) & omnem Consuetudinem reddunt huic manerio. Et tunc 120 Burgenses & modo 236, &c.

Rot. Car-
tar. 1 Joh.
N^o. 164.

*King John in the first Year of his Reign granted a Charter to this Burrough which runs thus, viz. Sciatis nos concessisse, & presenti Cartâ confirmâsse Burgensibus nostris Dunewici, quod Burgum de Dunewic sit liberum Burgum nostrum, & habeat Socam & Sacam, & Toll, & Theam, & Infangenetheof, & quod ipsi per totam Terram nostram sint quieti de Theloneo, & Lestagio, & Passagio, & Pontagio, & Stallagio, & de Leve, & de Danegeld, & de Ewagio, & de Wrec, & de Legan, & de omnibus aliis Consuetudinibus, salva Libertate Civitatis Londini, & quod ipsi Rectam & Solitam firmam suam per manum suam reddant ad Scaccarium nostrum, & quod nullam sectam faciant Comitatum vel Hundredorum nisi coram Justiciariis nostris, & cum summoniti fuerint esse coram Justiciariis mittant, pro se duodecim legales homines de Burgo suo, qui sint pro eis omnibus. Et si forte amerciati debuerint per sex probos homines de Burgo suo, & per sex probos homines extra Burgum amerciantur; Concessimus etiam eis quod * filios & filias suas possint libere ubi voluerint in Terra nostra maritare, & viduas similiter per Consilium amicorum suorum, & * Perquisitiones suas de Terris & Edificiis in villa sua possint dare, aut vendere, aut facere inde quod voluerint & quando voluerint. Concessimus etiam eis Hansam & Gildam Mercatoriam, sicut habere consueverint. Quare Volumus, &c. Testibus Eustachio Elyensi Episcopo. W. Marefchallo Comite de Pembroke, Johanne de Pratell, Galf—
Data per manum Huberti Cantuar. Archiepiscopi Cancellarii nostri, apud Rupem Aumall, 29 die Januarii Anno regni nostri 1.*

* Note, *Before this Charter the Burgesses could not (without the King's Licence) marry their Sons or Daughters to whom or where they pleased; nor could Widows marry themselves; nor the Burgesses give or sell the Lands they purchased: And 'tis probable these were of the same Condition with the Burgenses Dominici in the Saxon times before the Conquest, who had the King or some other Lord for their Patron or Protector.*

Rot. Car-
tar. 7 Jo-
hannis, M.
6. N^o. 45.

*Also King John in the seventh Year of his Reign granted to them another Charter in this Form, viz. Sciatis quod remisimus & pardonavimus Burgensibus nostris de Dunwico 40 libras, in perpetuum de firma sua quam nobis reddere solebant, pro villa de Dunwico, scilicet de * Sexties viginti libris, & viginti quatuor mille allecum & una Marca. Ita quod reddant nobis & Heredibus nostris de cætero singulis Annis quatuor viginti libras, & viginti quatuor Mille allecum & unum Marcam pro prædicta Villa de Dunwico tenenda in perpetuum, ad feodi firmam. Quare Volumus, &c. quod prædicti Burgenses nostri & hæredes sui quieti sint in perpetuum a nobis, & hæredibus nostris de prædictis 40 liberis, de prædicta firma sicut prædictum est. Concessimus etiam eis, & hæc Cartâ nostrâ confirmavimus, quod non Namientur pro aliquo Debito unde non fuerint, vel Plegii vel Capitales Debitores, nisi ipsie super hoc quieti in Justitia exhibenda defecerint, & nisi in Locis quibus libertatem & potestatem hujusmodi Namia capiendi concessimus. Testibus, W. Comite Sarum, W. Comite Arundell, W. Briwer, Hugone*

Hugone de Neville, Warino filio Geroldi, Thoma Basset. Data per manum Hugonis de Willen, Archidiaconi Wellensis apud Freitmantel, 5 die Novembris, Anno, &c. septimo.

Note, * This great Fee-farm Rent of this now poor Town, was more then twice as much as most Coast Towns then paid.

And in the Oblata Rolls of the first Year of King John are these several Entries, viz.

Dunewic dat Domino Regi trescentas Marcas pro habendis libertatibus suis secundum Tenorem Cartarum suarum quas habebunt. Item dant pro eodem decem Osterios & quinque Girfalcones. Rot. oblar. I Johannis, Membr. 19.

Homines de Dunewic dant Domino Regi centum Marcas argenti, ut Carta Domini Regis de Libertatibus suis teneantur, Scilicet 50 Marcas ad Pascha, & 50 Marcas ad Festum Sancti Michaelis. Ibid. M. 9.

Burgenses de Dunewic dant Domino Regi, ducentas Marcas & quinque Mille Anguillarum pro habenda Wrec & Legan in Carta sua——Cartam Gual. fil. Petri ut provideatur de securitate de trescentis Marcis primo promissis & de Centum Marcis secundo promissis. Ibid. M. 1.

DIE Jovis 22 Octobris, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the said Burrough of Dunwich, in the room of Sir Philip Skippon, Kn^t. deceased. 1691.

Die Veneris 13 Novembris, 1691. A Petition of Henry Heveningham, Esq; setting forth, that he was duly elected a Burgess to serve in this present Parliament for the Burrough of Dunwich in the County of Suffolk, and was accordingly return'd by one of the Bailiffs, yet the other Bailiff hath return'd John Bence; and praying the Consideration of the House in the Merits of the Return; read and referred. Also.

A Petition of John Bence, Esq; setting forth, that he was duly elected by the Majority of legal Electors, and return'd by Indenture by the proper Officer; but one Percy a Bailiff of the Burrough hath delivered another Indenture to the Sheriff, purporting the Election of Henry Heveningham, in prejudice of the Petitioner, and Right of the said Burrough; and praying the Consideration and Relief of the House in the Premises.

Die Sabbati 14 Novembris, 1691. Ordered, That the Committee of Elections and Privileges do sit upon Thursday the 3d of December next in the Afternoon, to hear the Matter touching the Return and Election for the Burrough of Dunwich in the County of Suffolk.

Ordered, That the Chairman of the Committee of Elections and Privileges do issue his Order for the Town-Clerk of Dunwich to bring the Council Books, and Books of the Constitution of the Town, and the Records of the Town, to be used at the said Committee.

Die Jovis 3 Decembris, 1691. Ordered, That the Matter touching the Election for the said Burrough of Dunwich in the County of Suffolk, be heard before the Committee of Privileges and Elections, on Saturday next in the Afternoon.

Die Lune 7 Decembris, 1691. Ordered, That the Reports from the Committee of Privileges and Elections for the Burroughs of Tavistock and Dunwich be made to morrow Morning after the other Reports of Elections.

Die Martis 8 Decembris, 1691. Mr. Serjeant Trenchard reported from the Committee of Privileges and Elections, the Matter touching the Double-Return for the said Burrough as follows, viz. Report.

That it appeared on View of the Record, that John Bence was return'd by one Indenture, and Henry Heveningham by another Indenture, each Indenture under the Common Seal by both Bailiffs.

The determining the Right of the Return depended intirely on the Merits of the Election.

And as to the Election it was agreed on both sides, that the Merits of this Election would depend on setting the Qualifications of the Electors. For it was alledged

On behalf of Mr. Bence, that the Right was in the Freemen of Dunwich, resident within the Burrough; and on behalf of Mr. Heveningham 'twas alledged, that the only Qualification was to be a Freeman, whether resident within the Burrough, or an out-fitter; so that if the Right was in the former, Mr. Bence was duly elected; if in the latter Mr. Heveningham.

That on behalf of Mr. *Bence* 'twas alledged, that *Dunwich* was a Burrough by Prescription, and produced several Returns.

7 *E. 4.* which says, that two Bailiffs in Presence of the two Coroners, and ten others in the Return named, and many other Burgeses and Resients elected.

The Return is under the Common Seal and Seal of the Bailiffs.

12 *E. 4.* which says, the Bailiffs with the Assent and Consent of the whole Commonalty elected, &c.

The Return is under the Common Seal.

30 *Eliz.* Bailiffs, Burgeses and Commonalty elected, the Return is under the Common Seal.

1 *Jac. 1.* Bailiffs, Burgeses and honest Men of the Burrough elected, the Return under the Common Seal.

1 *Car. 1.* Bailiffs, Burgeses and honest Men elected, the Return under the Common Seal.

And produced an Antient Book, by which it appear'd, that so many of the 12. 24. and Freemen which were present, in all making 33. elected a Burges; and another Antient Book by which it appeared, that *Anno 1639.* So many of the 12. 24. and Freemen which appeared, making in all 30 elected.

And a third Antient Book of an Election the 23d of *August, 1656.* wherein is recorded the Names only of 24 Electors; and in the same Book mention is made of another Election the 4th of *April, 1660.* wherein is recorded the Names only of 25 Electors; and in the same Book mention is made of another Election the 25th of *April, 1661.* wherein is recorded the Names only of 27 Electors.

Crane and *Capt. Hall* testified, that they knew the Election of Sir *John Rowse* and *Mr. Cook*, and that there were not above 20 or 30 Electors who were of the Town.

Mr. Driver and *Mr. Stanley* testified, that they had known several Elections; that the Freemen of the Town only used to elect Bailiffs and Burgeses; that no Out-fitter did vote till the Election of Sir *Thomas Allen* and *William Wood*, which Out-fitters were made to vote for Sir *Thomas Allen*; that the Out-fitters pay two Shillings and six Pence yearly.

Mr. Betts the Town-Clerk testified, that he remembered the Election between Sir *Thomas Allen* and *William Wood*, who were doubly return'd; that Sir *Thomas Allen* had all the Out-fitters, and but three or four Burrough-men.

And produced a Resolve of the House, that the said *Mr. Wood* ought to sit till the Merits of the Election was determined.

And that Sir *Thomas Allen* did not prosecute the Matter afterward, but *Mr. Wood* sat till he dyed, being about eight Years.

That he believed *Mr. Boniface* since 1670 had made free 500, two whereof were Scotch Men, and others lived very remote; and that he made 42 free at an Ale-house, whereas there are not above 40 Freemen resident, and produced a Charter of Incorporation made the 10th of King *John*, whereby *Guildam Mercatorum* was granted to them, which the Council insisted was the antient Method of erecting a Corporation.

On behalf of *Mr. Heveningham* it was alledged, that *Dunwich* was a Corporation by Prescription, and upon the Evidence for *Mr. Bence*, the Council for *Mr. Heveningham* observed,

That in the Charter of King *John* there was the Word (Confirm) as well as (Grant) which shew'd that they were incorporated before that time; that all the antient Returns were under the Seal of the Corporation; and that in the antient Books it appeared, that Elections to Parliament were always made at their Corporation Assemblies. And called

Mr. John Boniface, who testified, he remembered for two and twenty Years, and that no Out-fitters who came in at that time were deny'd; and that he heard *Mr. Driver* say, he would cut his Throat sooner then put his Hand to a Burrough-Return; and that *Mr. Driver* declared *Mr. Heveningham* duly elected.

That *Mr. Heveningham's* Return was sealed, and *Mr. Driver* went off the Bench, and came a quarter of an hour after, and sealed *Mr. Bence's*; and that he believed 200 might be made free since the Year 1670. that Out-fitters come to the Election of Bailiffs, and one of the present Bailiffs is an Out fitter.

Webber, Hooper and *Snelling* testified, that they had known Elections from Sir *Thomas Allen's* time, and that Out fitters have been all along admitted.

That the Inhabitants are not able to bear the publick Charge of the Town, and the Money paid by the Out-fitters is applied towards it.

And produced a Resolve of the House in the Case of Sir Robert Rich and Sir Philip Skippon, that the Right of Election for the Burrough of *Dunwich*, is in the Freemen of the said Burrough, commonly called Out-fitters as well as in the Freemen inhabiting within the said Burrough; But that upon the whole Matter the Committee came to the following Resolutions, viz.

1. " That the Right of Election of Burgeses to serve in Parliament for the Burrough of *Dunwich* in the County of *Suffolk* is not in the Freemen of the said Burrough, commonly called Out-fitters, as well as in the Freemen inhabiting within the said Burrough.

2. " That the Right of Election of Burgeses to serve in Parliament for the said Burrough of *Dunwich* in the County of *Suffolk* is only in the Freemen inhabiting within the said Burrough.

3. " That *John Bence*, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Dunwich*.

The first Resolution being read a second time, and the Question being put, that the House do agree with the Committee in the said Resolution. The House divided, Yea's 237. No's 119. So it was resolved in the Affirmative.

The second and third Resolutions being severally read a second time, were on the Questions severally put thereupon, agreed unto by the House. And ordered, that the Clerk of the Crown do attend the House to morrow Morning to amend the Return for the said Burrough.

Die Mercurii 9 Decembris, 1691. The Clerk of the Crown attended according to order, and amended the Return for the said Burrough, by taking off the Return of *Henry Heveningham*, Esq;

Die Luna 25 Novembris, 1695. A Petition of *Roger Wood* and *John Bence*, Esq's, setting forth, that the Petitioners were duly elected as Burgeses to serve in this present Parliament for the said Burrough, by a Majority of the Freemen within the said Burrough, who are the rightful Electors; and the Petitioners were duly return'd by an Indenture under the common Seal of the said Burrough, executed by the present Bailiffs, which was delivered to the High Sheriff of the said County; that the Sheriff refuseth to annex to the said Return the said Indenture, but hath annexed another Indenture without the common Seal, made by Persons who are no Bailiffs, whereby he hath return'd Sir Robert Rich and *Henry Heveningham*, Esq; as duly elected; and praying that the Indenture by which the Petitioners are returned may be annexed to the Writ, and that they may be admitted to sit in Parliament, was read and referred. 1695.

Die Sabbati 8 Februarii, 1695. Ordered, That the Report touching the Election for the said Burrough of *Dunwich* be made upon *Wednesday* Morning next. And accordingly.

Die Mercurii 12 Febr. 1695. Coll. *Granville* reported from the said Committee the Case of the said Election as it appeared to them, viz. Report.

Upon the Petition of *Roger Wood* and *John Bence*, Esquires, complaining of an undue Election and Return of Sir Robert Rich and *Henry Heveningham*, Esquires to serve in this Parliament for the said Burrough of *Dunwich*, the Committee have examined the Merits of that Election. And

The Petitioners insisted, that the Right of Election was in the Freemen inhabiting within the Burrough of *Dunwich* only. And for that they produced two Returns, viz.

7 E. 4. which says, the two Coroners and ten Persons therein named, and many others *Burgensium & Residentium villa predicta*, elected.

12 E. 4. which says, the Bailiff with the Consent of the whole Commonalty of the Town did cause to be elected in the Presence of the two Coroners and nineteen Persons named, *aliorumque plurimorum Burgensium & Residentium infra villa predicta commorant*, two Burgeses.

They also produced three antient Books, by which it appeared, that the antient Constitution of the said Burrough was of two Bailiffs, with 12 in the Nature of Aldermen, and 24 in the Nature of a Common Council and Freemen, viz.

Lib. A. Fol. 84. By which it appeared, that the 11th of *October, 1643.* two Bailiffs, 10 of the 12, eight of the 24, and seven Freemen elected.

Folio 131. That 12 Febr. 1 Jac. 1. two Bailiffs, seven of the twelve, five of the twenty four, and twenty Freemen elected.

Foli 256. That 21 Martii, 11 Jac. 1. two Bailiffs, eight of the twelve, eleven of the twenty four, and twelve Freemen elected.

Lib. B. Folio 115. That 23 1639. two Bailiffs, six of the twelve, fourteen of the twenty four, and eight Freemen elected.

Lib. N^o 3. Folio 7. That August the 22d, 1656. two Bailiffs, six of the twelve, eighteen of the twenty four, and fifteen Freemen elected.

The Petitioners then called

Mr. Betts, who said, he had known Dunwich 25 Years; that in the Year 1670. there was a Contest between Sir Thomas Allen and Mr. Wood; that Mr. Wood was returned by the greatest number of the Inn-fitting Burgeesses; that a Question arose, which of them was returned by the proper Officer; and it appeared, that the House upon a Report from the Committee of Elections did, the 25th of January 1670, resolve, that Mr. Wood was duly returned; and he said, that Sir Thomas Allen never thought fit afterwards to contest the Merits of that Election, and Mr. Wood continued in the House.

Mr. Green said, that in 1641, Mr. Brewster was chosen by the Freemen inhabiting within the Burrough; that there was then no pretence of Out-fitters, nor no Contest.

William Crane said, that in 1661, Sir John Rouse and Richard Cook Esq; were chosen by the Freemen inhabitants, and that he never heard of any other Claim till of latter Days. And

Mr. Betts being called in again said, that one Benefice, Alderman of the Burrough, had taken 40s. and 50s. a piece of several to make them free, and carry'd the common Seal in his Pocket, and gave the Oath of a Freeman at Tarmouth, Ipswich, &c. and had a Factor at Wapping, who made several free that never saw the Town.

But further said, that the same Oath was given to the inhabiting Freemen, and the Outfitters; and that the Outfitters were to pay annually a Crown, and half a Crown for their Freedom, a great deal of which had been collected, but the Inhabitants did not pay it; and that at least 20 Outfitters had been Bailiffs; and that 6 or 7 of the present Aldermen were Outfitters: But that the Aldermen Outfitters only voted for Bailiffs, and did not vote in the present Election: But always one of the Bailiffs is an Inhabitant, and that both the Bailiffs used to sign the Returns to Parliament.

Mr. Betts also said, he had known all the Returns to Parliament since the Year 1670, and was admitted Town-Clerk in the Year 1680, and continued so till lately; that in the Year 1678, Sir Philip Skippon and Major Allen were chosen by the Burroughmen, but the Outfitters voted with them; that in 1679, the Burroughmen set up Sir Robert Kemp, but the Outfitters voted with the Burroughmen; that in 1680, Sir Robert Kemp and Sir Philip Skippon were chosen in the same manner; but the Burroughmen were all for them: And that in the Parliament after the Oxford Parliament they chose in the same manner.

That in King James the 2d's time, 1685. Coll. Gibson and Mr. Norton were chosen by the Freemen inhabiting only, and no Outfitters voted.

That in the Convention there was a Contest between Mr. North and Mr. Allen, and Sir Robert Rich and Sir Philip Skippon; that the majority of the Inhabitants were for Mr. North and Mr. Allen, and the Outfitters for the others; but Mr. North and Mr. Allen would not be at the charge of bringing up their Witnesses, and none examined but himself, and they produced but one Return, and so lost it.

Vide ante And produced a Copy of the Journal, 8 December—Guliel. & Maria, by which it appeared, that upon Report of an Election between Mr. Bence and Mr. Heveningham, the House did agree with the Committee, that the right of Election was only in the Freemen inhabiting within the Burrough.

Mr. Betts also gave this account of the manner of getting the last Charter.

That about December 1693. they heard there was a Petition carry'd to get another Charter; whereupon they call'd a Hall, and every Freeman of the Town was there, and five of them that signed the Petition were there; that one Girling said, he signed the Petition for fear of being press'd, and others said they did not understand it: It was supposed to be a Petition for a *Scire feci*, or *Quo warranto*; that there were 16 in the Hall actually who were against any new Charter, and 9 that stuck to the Petition they had signed: And accordingly a Petition was also framed against it; but finding the first was a Petition for Restitution, they were fain to get another Petition, and

and by Order of Council they were to be heard upon it, but first to pay Costs, which being 33 *l.* they were not able to raise it, and so the Petition was dismissed; and in June, 1694. they carried King William's Charter down with 3 or 400 Foreigners, but the Town never accepted of it.

That the Town did accept the Charter of 1685. and have acted ever since under it, and four Returns were made under it, and two of them for Sir Robert Rich.

That Sir Robert Rich was an Alderman under that Charter, and produced a Bound Book, fol. 16. for the swearing of him an Alderman, and dispensing with any Oath but to the Corporation.

And Mr. Betts said of the inhabiting Burgesses or Freemen, there were for the Petitioners 25, and for the sitting Members 13. Their Names are as follows, *William Weathersby, John Archer, Robert Swatman, John Battily, Thomas Foster, James Guibons, James Moore, John Watling, John Scot, Mark Noble, Benjamin Hambin, George Flint, Hezekiah Shepherd.*

But it appeared afterwards to the Committee, that the Numbers of Freemen would be more or less, according as King James's Charter, or King William's Charter should be allow'd. And as to that matter the Fact was,

That an Instrument of Surrender was made in King Charles the Second's time, but that Surrender was not enrolled till King James's time: So that the Question between the Petitioners and the sitting Members Council was, whether that Inrolment in King James's time did make good the Surrender in King Charles's time; and if that Surrender was good, then the Charter of King James's being accepted by the Town, and no Surrender of that made (as the Petitioners Council argued) the Charter of King William and Queen Mary was void in Law; as also for this Reason, that the Charter of King James was accepted, but the Charter of King William and Queen Mary was never accepted.

But the sitting Members Council insisted, that by Law the Surrender was void; for that the King cannot take, but by matter of Record; and that the Surrender not being inrolled in King Charles's time, King Charles could not take by that Surrender, and so consequently that King James could not: However they insisted the Right of Election of Burgesses could not be surrendered.

For the Petitioners was produced a Copy of the Return of the sitting Members, which said, The Bailiffs and Burgesses of the Town elected; and a Return in King James's time, and another Return to the Prince of Orange's Letter, which were in the same form.

Mr. Betts said, that *Philip Eads* and two others were forced in by a different hand, as made free after the Assembly was up; that *William Swatman* was not free; and that *Benefice* was remov'd and disfranchis'd, and his Disfranchisement was read.

John Hasel said, that *John Burly* was not free, and lived at *Southold*; that *Jeremy Page* lived at *Westleton*; that *James Foreman* lived at *Thorp*, and is no Freeman, and that *Pacy* told him if he would vote for Sir Rob. Rich, he should have a House for 3 *l.* to be paid in Lobsters; that *Aldridge* and *James Goodwin* are Outfitters, and *Southoldmen*; that *Joseph Burly* was an Apprentice; that *Thomas Forster* had a Protection; that *Robert Hill* was no Freeman; that *Charles Eade, James Eade, and Amos Beate* were neither Freemen nor Inhabitants; that *John Cross* was an Apprentice to *Philip Eade*; that *Masterton* and *John Cutting* were no Inhabitants, and that one of the *James Moore's* was not free.

Thomas Stanly said, that *Joseph Burly* was his Apprentice, and was got away by the Instigation of *Pacy* to vote for Sir Robert Rich and Mr. Heveningham, and that he told his Master, if he would not give him leave, he must take leave; for he had a Friend had procured him a *Burth* in a Man of War, and two days after he was lifted on Board the *Milford Gally*, and he has not seen him since.

That *James Moor* was hired at *Michaelmas* last to live with one *Symonds*, and came over to vote at the Election, and then returned to his Service.

Then the Petitioners proceeded to prove several Irregularities in procuring Voices. And

William Cook said, that he went to Esquire *Heveningham's* House, and Mr. *Heveningham* told him, that if he would vote for him and Sir Robert Rich, he would give him 10 *s.* and that he had given 2 Guineas to *Archer* to give to four Persons; that *Archer* did give him 10 *s.* But *Cook* said, he did not vote for the sitting Member, because he did not fancy to be hired; that *Archer* voted for Sir Robert Rich; and Mr. *Heveningham* desired him to meet at Justice *Neal's*, (the Recorder by the new Charter) and told him

him he might have 10 or 20 *l.* of Mr. *Neal* if he would vote for him and Sir *Robert Rich*; and that the Bond, after he had so voted, should be cut in pieces; and accordingly he did receive 10 *l.* of Mr. *Neal* upon his Bond; that he did not vote for Sir *Robert Rich* and Mr. *Heveningham*, but paid back the Money about twelve days after he had received it; that he confessed the matter of the 10 *l.* to several; and that Mr. *Heveningham* had asked *Benjamin Hambin* who he would vote for, and *Hambin* said for him; that Mr. *Heveningham* said again, What not for Sir *Robert Rich*? To which he answered, *Yes*: Whereupon he gave him a Horse; and that Horse throwing him down, he gave him another worth 50 *s.*

Hafell said, that the *Tuesday* after the Election he went with *Cook* to pay back the 10 *l.* to Mr. *Neal*.

Hafell and *Tansy* said, that Mr. *Heveningham* in the Town-Hall enquired who *Cook* voted for, and *Cook* telling him; Mr. *Heveningham* replied, he always took him to be a Rogue; and *Tansy* said, that the day after the Election *Cook* told him of the matter of the 10 *l.* lent him by Justice *Neal* in manner as before testified by *Cook*.

Nicholas Beeke said, that five days before the Election he was at Capt. *Heveningham's*, and Mr. *Heveningham* asked him if he would vote for him, and said he would give him 14 or 15 *l.* to pay his Debts to vote for him and Sir *Robert Rich*, and 5 *l.* to put in his Pocket, but he voted for Mr. *Bence* and Mr. *Wood*, for he had no need of the Money.

Tansy another Witness said, that *Hezekiah Shepherd* voted for Sir *Robert Rich* and Mr. *Heveningham*, and that he confessed he gave him 10 *s.* and a Scarlet Waistcoat (which a Taylor bad him 40 *s.* for) for his Vote.

James Tarro said, that *Archer* told him he would give him 14 or 15 *l.* to vote for Sir *Robert Rich* and Mr. *Heveningham*; but he answered, he would not for 100 *l.* go against his Conscience; and that *John Bathurst* afterwards beat him, and said, if he would not vote for them he should not go out of his House alive.

John Collet said, that *John Archer* offered him 10 *s.* to vote for Mr. *Heveningham*.

That he knows *Philip Eade*, who voted for Sir *Robert Rich* and Mr. *Heveningham*, and heard him say, that Sir *Robert Rich* got him a Place of 10 *l.* a Year to give his Vote; and said he was set on Shoar unexpectedly, and received a Protection undesired. And his Protection, and another for *Swatman*, being produced and read, they were made upon Suggestion of their being Witnesses in a Law-Suit; but he knew of no Law-Suit they were to be Witnesses in; and said, Sir *Robert Rich* asked him to vote for him, and he did offer him a single Vote, but Sir *Robert* not accepting of it, he voted for neither.

That *George Flint* and *Hezekiah Shepherd* were pressed by Mr. *Pacy*; and that three Men of War came to an Anchor at *Dunwich*, a little before the Election, and presently after sailed away again.

Richard Summer said, he was on Board the *Queen*, and was discharged by Sir *Robert Rich's* Order; that he desired him to go to *Dunwich* and vote for him, and gave him a Protection; but instead of going to *Dunwich*, he made two *New-Castle* Voyages. That Sir *Robert Rich* asked him if he owed any Money, and he told Sir *Robert Rich* about 13 *l.* To which Sir *Robert* said, he should not trouble himself, for he would take care of that; and further said, that while he was at *New Castle*, *Bonner* sent to him two Letters to come home and vote for Sir *Robert Rich*.

James Gurning said, that *Enosh Gurning*, who appeared for Sir *Robert Rich* and Mr. *Heveningham*, told him, the *Solebay* Frigate was to come in upon the Election-day, and was to press those Seafaring-Men that voted against Sir *Robert Rich* and Mr. *Heveningham*; and further told him, he should have what Money he had occasion for if he would vote for them; and *Gurning* said, the Men of War did come, and stay till the Election-day was over.

Gurning and *Hafell* said, that Mr. *Bence* and Mr. *Wood's* side were frightened by the Men of War; and that one Man ran out of the Town for some time, but afterwards came and voted; and *Hafell* said, that *Archer* said to him, You employ a pretty many Men, and if they should be press'd, what will you do? For Sir *Robert Rich* says the *Solebay* shall come in.

The sitting Members deny'd all manner of Bribery, and said, that *Dunwich* was a Burrough by Prescription.

That the Charter by King *William* and Queen *Mary* being good, it answered the Petitioners Objections of their Voters not being free; and insisted, that the right of Election was in the Freemen at large: And produced a Copy of King *John's* Charter to the Burrough, which was to the Burgeses of *Dunwich*.

And the Charter of King William and Queen Mary, April 6. *Guliel. & Mariae*, which takes notice of the Instruments of Surrender to King Charles II. and that the same was not inrolled till the Reign of King James; and that thereupon there are several Doubts arisen touching the Franchises, Liberties, and Estate of the Town; and for putting an end to those Doubts, this Charter confirms them in their former Rights and Liberties they enjoy'd before the Surrender by the Name *Ballivorum proborum hominum & Burgensium Ville de Dunwich*. And produced Returns, viz.

7 Ed. 6. *Ballivi & Burgens. & Communitates elegerunt.*

33 H. 8. *Ballivi & Communitates elegerunt.*

And the Resolution of the House 27 Februarii, 1 *Guliel. & Mariae*, upon a Report of an Election at Dunwich, by which the House agreed with the Committee, "That the Right of Election was in the Freemen called *Outfitters*, as well as in the Freemen Inhabitants.

"And note, the House at this time resolved the Right to be accordingly. *Vide infra.*

John Archer said, he had known Dunwich 30 Years, that the *Outfitters* always voted, and that he was present at the last Election of Sir Robert Rich and Mr. *Heveningham*, and that they had the majority, viz. 35 Freemen Inhabitants; and for the *Outfitters*, they might have had as many as they would; that he was sent to be sworn Alderman, but he would not accept it, being a Bailiff by King William's Charter; and deny'd he ever offer'd any Money to any to vote for Sir Robert Rich and Mr. *Heveningham*, nor ever terrified any by the Men of War.

John Archer and *Philip Eads* testified, that *Benefice* had an Office at the Custom-House; but it was said he was disfranchised.

That *William Swatman*, *Amos Beat*, *John Cross*, *Charles Eads*, *Ja. Eads*, *Jeremy Payne*, *Robert Hill*, *William Coggs*, *Richard Neal*, *James Goodwin*, *Geo. Alder*, *James Foreman*, *John Burley*, *Rob. Bonner*, *Ja. Ford jun.* *Thomas Boone*, *Thomas Masters*, and *Abraham Wise*, were Freemen and Inhabitants. And

That *John Cutting* was a Freeman, but no Inhabitant.

William Russel, Overseer of *Southold*, said, that *John Burley* liv'd at *Southold*, but was a Seafaring Man; and that *Steel*, *Goodwin* and *Alder* liv'd there also, and paid to Church and Poor.

William Foster delivered in a Book of the Town, and said, that 18 of the 35 were made free by the new Charter.

Philip Eads said, he was free by the old and new Charter; that he had no Horfe of Mr. *Heveningham*, but one that was lame for his Dogs.

Mr. Pacy said, that the Town-Clerk was in haste to go home, so he and the other Bailiff made *Philip Eads* free.

Then the fitting Members proceeded to take their Exceptions to the Petitioners Voters. And

Archer and *Philip Eads* said, that *John Mason* were made free by King James's Charter.

That *John Belwood* was made free since King James's Charter.

That *Christopher Moor* was no Inhabitant, but lived with *John Hasil*.

That *Nicholas Peak* was made free since King William and Queen Mary's Charter.

That *William Cook* lived at *Dingley*, and so *Wesleton*.

That *John Collot* lives with his Mother.

That *James Farro* was sent out of the Town, because he was no Inhabitant.

That *William Love* came to Town about Midsummer.

That *Thomas Burly* did not vote till after the Election.

That *Richard Hasel* was no Inhabitant but since Christmas last.

That *Thomas Newson* is no Inhabitant, to his knowledge.

That *James Garwood* lived in an Hospital, and is a Natural.

That *Philip Pells* had no Habitation.

That *Thomas Burrell* told him, he owed Mr. *Bence* and Mr. *Rouse* 8 l. and durst not vote against them.

John Scarfe said, he had received 30 s. a week since Michaelmas was twelve-month, which was for the use of the Freemen that were Friends to Mr. *Bence* and Mr. *Wood*, and were for King James's Charter; that he kept a Publick House, and part of the 30 s. was spent in Meat and Drink, and some of it the Freemen had in Corn; that the 30 s. a week was continued since the Election, and was to continue till all the Gentlemen meet again; that he voted for Mr. *Bence* and Mr. *Wood*, upon account of having his Duty paid him; that he had received 27 l. of Mr. *Bence*, and 27 l. of Mr. *Wood* for Meat and Drink at the Election.

That he borrowed 10*l.* of Mr. *Bence* two Years ago, and gave his Bond for it, and promised to stand true to them, and vote for them upon Occasion.

He further said, that *William Cook* had 3*l.* of *Swatman* paid by Sir *Charles Blois* on account of voting for Mr. *Bence* and Mr. *Wood*, and he saw the Money paid before *Michaelmas*.

That *Nicholas Peak* lost his Employment in the Brick-kilns, and was promised two Brick-kilns, and had 20*s.* in Money.

That *Hazel* that appeared for Mr. *Bence* and Mr. *Wood* promised *John Ballard* 20*s.*

That Mr. *Bence* promised *Richard Somers* a Vessel upon account of voting for them.

Capt. *Lidcott* said, that he was accidentally driven by the Tide of Flood into *Dunwich-Bay*, and that he heard Sir *Robert Rich* was on Shore, and he went to pay his Respects to him. That Sir *Robert* did not know of his being there; but when Sir *Robert* saw him he desired him to go away, for that otherwise he would spoil his Election.

Mr. *Pacy* said, he commanded *Stevens* not to come on Shore till the Election was over; and accordingly he did not come on Shore, nor send his Boat till the Election was over; that he was Vice-Admiral under Sir *Robert Rich*, and had a charge from Sir *Robert* that no body should be disturb'd.

And that upon the whole Matter the Committee came to these Resolutions, *viz.*

1. "That the right of Election of Burgesses to serve in this present Parliament for the said Burrough of *Dunwich* in the County of *Suffolk*, is in the Freemen of the said Burrough, commonly called Out-fitters, as well as in the Freemen inhabiting within the said Burrough.

2. "That Sir *Robert Rich* is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Dunwich*.

3. "That *Henry Heveningham*, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough.

The first Resolution being read a second time, Sir *Robert Rich* and Mr. *Heveningham* were heard in their Places, and then withdrew.

And the Question being put, that the House do agree with the Committee in the said Resolution.

The House divided. The No's go forth:

Tellers	{ Sir <i>Godfrey Copley</i> Mr. <i>Norris</i>	{ Yea's 212.
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Tellers	{ Sir <i>John Barker</i> Mr. <i>Manley</i>	{ No's 127.
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So it was resolved in the Affirmative.

The second and third Resolutions being read a second time, whereupon the Question severally put thereupon, agreed unto by the House.

1698. *Die Jovis 22 Decembris*, 1698. A Petition of Sir *Henry Johnson*, Knight; setting forth, that the Petitioner is duly chosen a Burgess to serve in this present Parliament for the said Burrough of *Dunwich* in the County of *Suffolk* by the Majority of legal Electors; but that Sir *Robert Rich* and *Henry Heveningham*, Esq; by corrupt Practices, and procuring the Bailiff and Recorder to refuse divers qualified Votes for the Petitioner, and admitting others unqualified to vote against him, have gotten themselves return'd as duly elected, and the Petitioner was deny'd a Scrutiny of the Poll; and praying the House to appoint some Day for the hearing the Matter of the said Election; read and referred.

1699. *Die Jovis 16 Novembris*, 1699. A renew'd Petition of the said Sir *Henry Johnson*, Kn^t. complaining of an undue Election and Return for the said Burrough, was also read and referred.

Die Sabbati 13 Januarii, 1699. Order'd, That Sir *Henry Johnson* have leave to withdraw his Petition touching the Election for the said Burrough of *Dunwich*.

Eodem die. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Sir *Robert Rich*, Knight and Baronet deceased.

Comitatus de Durham.

DIE Mercurii 26 Martii, 1679. A Petition of Mr. Christopher Wane, complaining of several undue and illegal Practices in the Election and Return of Sir Robert Edon Baronet, and John Tempest Esq; to serve in this Parliament as Knights of the Shire for the County Palatine of Durham, and particularly in the High-Sheriff of the said County, in discharging of several Popish Recusants from their Commitment, in order to their voting for them; was read and referred. And 1679.

Ordered, That a Committee be appointed to examine into the matter of the Misdemeanour of the High-Sheriff of the County Palatine of Durham, in setting at Liberty so many Papists at the time of the Election, and the manner of doing it, and to report the same to the House; and it is referred to Sir Thomas Lee, Mr. Hampden, Coll. Birch, Sir Gilbert Gerrard, Coll. Tempest, Sir Edmond Jennings, Sir John Coventry, Sir H. Calverly, Sir Robert Eden, Sir John Ernle, Sir Robert Peyton, Sir James Long, Mr. Stockdale, Mr. Palmes, Mr. Newport, Sir John Horham, Sir Anthony Irby, Mr. Colt, Mr. Reynal, Mr. Trenchard, Mr. Wharton, Sir George Downing, to meet that Afternoon.

Civitas de Durham.

DIE Lune 25 Febr. 1677. Sir Thomas Meers reports from the Committee of Privileges and Elections, to whom it was referred to consider of the matter of sending Burgeſſes to serve in Parliament for the City of Durham. 1677.

That it did not appear plain to the Committee from the said Act, who shall order the Election, or be Judge of the Poll in the said City of Durham. Report.

If the Sheriff of the County hath only a Precept, and no Writ, then he must order the Election in this City, where there is a Mayor, the like whereof is not done in England, and for which he hath no direct Authority by the Act.

If the Mayor must order this Election, and be Judge of the Poll, then he must have a Precept so to do from the Sheriff, who acts but by a Precept himself; and then there is one Deputy making another Deputy, and Precept upon Precept; and for the latter Precept to the Mayor, there is no express Authority that appears in the said Act.

But in regard it doth appear plain in the said Act who are to be the Electors in the said City, and that a Writ shall issue under the Great Seal of England to the Lord Bishop of Durham, or his Temporal Chancellor, in order to the electing two Citizens to serve in Parliament for the said City; and that the plain Intention of the said Act is, that the City should have two such Citizens to serve them accordingly.

Wherefore the said Committee were of opinion, to leave the said Doubt or Difficulty to further Consideration or Determination, if need require. And,

Resolved, That it be reported as their opinion, That Mr. Speaker do make out his Warrant to the Clerk of the Crown to issue forth his Writ for choosing two Citizens to serve in Parliament for the said City and County of Durham, according to the said Act of Parliament.

And the said Report being delivered in at the Table, was read, and the Question being put to agree with the Committee, that Mr. Speaker do issue his Warrant, &c. *ut supra*; resolved in the Affirmative.

Burgus de Eastlow in Com' CORNWAL.

1678. **D**IE Mercurii 19 Martii, 1678. A Petition of *John Kendal*, Esq; complaining of an undue Return of Sir *Jonathan Trelawny* to serve as a Burgess for the Burrough of *Eastlow* in the County of *Cornwal*, in Injury of the Petitioner who was duly elected, and ought to have been return'd; was read and referred. And nothing more done this Parliament.

1698. *Die Jovis 22 Decembris*, 1698. *Charles Trelawny*, Esq; being chosen a Burgess to serve in this Parliament for the Burrough of *Plymouth* in the County of *Devon*; and also for the said Burrough of *Eastlow*, made his Election to serve for the Burrough of *Plymouth*.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgess to serve for the said Burrough of *Eastlow*, in the room of *Charles Trelawny*, Esq; who made his Election to serve for the said Burrough of *Plymouth*.

Burgus de St. Edmundsbury in Com' SUFFOLK.

1679. **D**IE Mercurii 26 Martii, 1679. A Petition of Sir *Thomas Cullam*, Bar. and *John Rotherham*, Esq; complaining of several undue and illegal Practices in Election of Sir *Thomas Harvey*, Knt. and *Thomas Fermin*, Esq; to serve as Burgesses for the said Burrough of *St. Edmundsbury* in the County of *Suffolk*, was read and referred: But nothing more done.

1690. *Die Martis 25 Martii*, 1690. A Petition of Sir *John Mordant*, Knt. and *John Wildman*, Esquire; setting forth, that they were elected by the Majority of the Freemen and Burgesses of the said Burrough, who demanded of the Alderman (being the chief Officer) to return the Indenture, but he refused, and withdrew with some few of the Burgesses and caused the Precept to be razed and the Freemen to be expunged, and privately made a pretended Election of Sir *Robert Davers* and *Henry Goldwell*, Esquire, and caused them to be return'd; and praying redress, read and referred. And see the next Session, viz.

1690. *Die Sabbati 18 Octobris*, 1690. A Petition of Sir *John Mordant* and *John Wildman*, Esquire; that the 6th of *March* last they were duly elected for *St. Edmundsbury*, but the Mayor refused to return them, and with some few Burgesses under the Name of Capital Burgesses and Common Council withdrew themselves from the Assembly of Burgesses and Freemen, and razed the Precept, and then made a pretended return of Sir *Robert Davers* and *Henry Goldwell*, Esquire, &c. read and referred.

1693. *Die Martis 20 Martii*, 1693. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Henry Goldwell*, Esq; deceased.

Comitatus de Essex.

1689. **D**IE Luna 24 Martii, 1689. A Petition of Sir *Anthony Obdy*, and Sir *Eliab Harvey*, Knights, that they were duly elected Knights of the Shire for the said County by the Majority of legal Votes, had they been duly entred on the Poll, and divers more would have voted for them if they might have had time to poll, and the Poll not surprizingly closed as it was; yet nevertheless, *John Lemot Honywood*, Esq; Sheriff

Sheriff of the said County combining and confederating with *Henry Mildmay*, Esq; and *Sir Francis Massam*, Bar. hath return'd them as duly elected for the said County, many indirect Practices being used by the Sheriffs Clerks in taking the Poll, and otherwise, as will be made appear; and praying they may have a hearing before, and the Justice of, this Honourable House, and that the Sheriff may deliver a Copy of the Poll to the Petitioners; referred to the Committee of Privileges, &c.

Die Jovis 9 Octobris, 1690. In the subsequent Session the said Petitioners again 1690.
Petition, viz. That they were duly elected Knights for the said County by a majority of legal Freeholders, if they had been duly entred on the Poll; and divers others would have voted if they might have so done, and had not been surprized by the sudden closing of the Poll; notwithstanding which the Sheriff by Combination with *Henry Mildmay*, Esq; and *Sir Francis Massam*, Knt. hath return'd the said *Henry Mildmay* and *Sir Francis Massam*, &c. read and referred.

Die Jovis 15 Decembris, 1692. Being the fourth Session of this Parliament. Or- 1692.
der'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Knight of the Shire for the said County, in the room of *Henry Mildmay*, Esq; deceased.

Die Martis 17 Januarii, 1692. A Petition of *Sir Eliab Harvey*, Knight; setting forth, that on the Death of *Henry Mildmay*, Esq; one of the Knights of the Shire for the said County, the Petitioner and *John Lemot Honywood* stood Candidates for the said County, where the Petitioner was duly chosen, and some hundreds of other Freeholders would have voted for him, had not the Sheriff closed the Poll sooner than he ought to have done, and several indirect Practices were used by the High Sheriff and his Agents, who hath unduly return'd the said Mr. *Honywood* in prejudice to the Petitioner; and praying the Consideration of the House; read and referred.

Die Martis 14 Februarii, 1692. Mr. Serjeant *Trenchard* reported from the Com- Report.
mittee of Privileges and Elections the Matter touching the said Election for the County of *Essex*, viz.

That it appeared to the Committee, that Mr. *Honywood* upon casting up the Poll, had a majority of 148 Voices more than *Sir Eliab Harvey*; but *Sir Eliab* the Petitioner insisted, there had been a great many abuses committed in taking and closing the Poll; and called Mr. *Wroth*, Mr. *Moor* and *Sir Edward Turner*, who said, they were present at the Election; that *Sir Eliab* had desired of Mr. *Felton* the High Sheriff, that the Poll might be taken at the Court-House as usual, but that the Sheriff refused so to do, but went to a Booth which he had caused to be built near the Court-House and there took the Poll; that the said Booth was not so Commodious for taking the Poll, in regard the Sheriff could not see all that were sworn, and was so filled up with Mr. *Honywood's* Men, that those that would have voted for *Sir Eliab Harvey* could not get in; that *Sir Eliab Harvey* desired the Poll might be adjourned till next Day, in regard many of his Friends could not come to Town till then, not expecting the Poll to be over that Night, and that *Sir Eliab* offered to make Oath of it.

That two Persons unknown, before the last Book was shut up came and demanded to poll for *Sir Eliab*, but were not admitted.

That *Sir Edward Turner* demanded a Scrutiny, and the Sheriff made answer he would consider of it; that upon inspecting the Poll they found a great many that had polled for *Sir Eliab Harvey* set down to Mr. *Honywood*, and the Cypher altered and made a Figure of 1.

That Mr. *Kendell* and Mr. *Blackstone* said, that they heard a Person that polled for *Sir Eliab Harvey* asked (by him that inspected the Poll) if he had received any Money for his Vote or Horse-hire.

Mr. *Gent* said, they gave two sorts of Oaths; that they first asked who they were for; and if they answered for *Sir Eliab Harvey*, they swore them that they had 40 s. a Year all Charges born; and if they were for Mr. *Honywood* they omitted those Words (all Charges born) that he observed it to be done to two or three Persons, but does not remember at which Poll it was.

That Mr. *Freebern* said, that Mr. *Sheffield* who was his Captain and Under-Sheriff desired him not to vote for *Sir Eliab Harvey*, and told him, if he did, my Lord of *Oxford* would demand his Commission being a Lieutenant.

That Mr. *Patch* said, he saw Mr. *Freebern* come to poll, and that Mr. *Sheffield* held up his Wand and bid him have a care what he did, for that he promised to stand Neuter; that three that voted for Mr. *Honywood* had no Estate to qualifie them to vote; that he knew of several that would have come next Day and polled for

M m

Sir

Sir *Eliab Harvey*, but said, it was put up in the Market-Place; that the Poll would be closed in one Day if possible; that he saw one that polled for Sir *Eliab Harvey*, entered down for Mr. *Honywood*.

That Capt. *Brown* said, that he had heard Capt. *Reves* say, that he had a Letter from his Collonel to vote for him, who said, he would oblige him so far as to vote for neither, and otherwise would have voted for Sir *Eliab Harvey*.

That Mr. *Lee* said, he voted for Sir *Eliab Harvey*, and had no Application made to him for Mr. *Honywood*, but several People in the Parish did say, that Capt. *Hudson* had threaten'd them if they voted for Sir *Eliab*.

That Mr. *Searl* and Mr. *Freebern* said, they met (the next Day after the Election) 30 or 40 coming to vote for Sir *Eliab Harvey*.

That Mr. *Jones* said, he met several of his Neighbours coming to vote for Sir *Eliab Harvey*.

Mr. *Thory* said, that Mr. *Sheffield* came to Mr. *Honywood* before the Poll was over and said, now Sir who shall carry the Day? And that Mr. *Toller* an hour before the Poll was over folded up the Book, and was absent for an hour before the Books were sealed up; that the Day after the Election he saw 20, who told him they were coming to poll for Sir *Eliab Harvey*.

That *John French* said, he knew of 30 that were coming to poll for Sir *Eliab Harvey*; and Mr. *Green* said, he knew of 12 that were coming next Day Morning to vote for Sir *Eliab*.

Richard Palmer said, three polled for Mr. *Honywood* that had no Right, viz. *John Palmer*, *Symon Ansty* and *Samuel Burrell*; that he saw the Oath pronounced to several, but they did not kiss the Book.

That *Daniel Portman*, Sir *Richard Oliver* and *George Staynes* had no Freehold.

That *John Bridge* said, that six Persons who had polled for Mr. *Honywood* declared, that they would poll again, and that they thrust up to the Bar of another poll; and that one *Stokes* said, there were several Quakers, and that Capt. *Maseley* said, bring the Names and I will enter them; and that *William Perkins* said he had five Shillings of Mr. *Honywood*.

That *John Pounset* said, he polled for Mr. *Honywood*, and had eight Shillings given him by Mr. *Wheeler* to bear his Charges, and for Horse-hire.

That *John Baile* said, that after the Election he saw a great many little People about Mr. *Honywood*, who asked them if they were all paid, and they answering no, he reply'd, they should be all satisfied.

That——*Chandler* said, he voted for Sir *Eliab Harvey*, but had eight Shillings for Horse-hire and Charges; that *Richard Harris* and *John Philips* had eight Shillings each, and *Nathaniel Harris* and his Sons five Shillings each; *John English* his Horse-hire, who all lived at *Colchester*, and voted for Mr. *Honywood*.

David Sidley said, *Thomas Bruce*, *John King* and *John Garret* had eight Shillings each; *Humphry Poley* had no Right, and had five Shillings; *William Sayer* had no Right and had six Shillings (as they told him) and voted for Mr. *Honywood*; that himself voted for Sir *Eliab Harvey* and had five Shillings for Horse-hire, and three Shillings for Charges.

That for the fitting Member were called,

Mr. *Sheffield* the Under-Sheriff, who said, that the High-Sheriff had commanded him to take care to give timely Notice of the Election, and accordingly gave Notice in the most considerable Market-Towns in Writing; he began to give Notice the latter end of *December*, that the Election would be on *Tuesday* the 10th of *January*, and if possible that it would be concluded the same Day; that he had order from the High-Sheriff to acquaint Sir *Eliab Harvey* that the Election was to be in the same manner as the last Election was, and accordingly left Word with his Son; that he understood Sir *Eliab Harvey* had been acquainted with it by his Son, from a Letter he received from Sir *Eliab*; that the Quarter-Sessions happened the same Day as the Election, and therefore the Sheriff thought fit to adjourn to the Booth; that the Booth was made in such a manner as that there were six Clerks placed on one side and six on the other.

That the Partition was made but Breast-high, and the Sheriff turning himself round might see to any part of the Booth; that there were 12 Clerks appointed and sworn by the Sheriff; that there were 12 Inspectors of each side, and every Freeholder sworn to the best of his Knowledge; that at Sir *Eliab's* Request the Court was adjourned for an hour, and then they repaired to the Court-House, and gave Notice to the People

by Proclamation, that they should repair to the Booth; that the Poll began about one a Clock, and about four a Clock the Poll slackening, they sent to the Market-place, and made Proclamation for the People to come and poll, and did afterwards the same several times at the Booth; that for two hours together there were not above 30 People that polled; knew no Man deny'd to poll, but one that came to poll for Mr. *Honywood*; and the reason was, because he came too late; that they made the Clerks sign and seal the Books respectively, and Mr. *Wroth*, and several of Sir *Eliab's* Friends, were at the Casting up of the Books, and saw the Seal broke open.

That Major *Lloyd* said, he was a Supervisor for Mr. *Honywood*, and there was one Mr. *Bradbury* at the same Book for Sir *Eliab Harvy*, who took care that those that came to be polled should have their Hands close to the Book, and be set down fair; that several Proclamations were made to come to the Poll, and after each Proclamation two or three would drop in to poll, and so for an hour together; that at last, when no more appeared, the Sheriff called for Candles, and was a long time in sealing up the Books; and that the Oath was, that they had 40 s. *per Annum* Freehold, and that they had not been before sworn; and the same was administered to all Persons indifferently; That Coll. *Desborow* said, he was present, and did not see any Man polled, but who took the Oaths; and that there was no Interruption at all; and that at the same Book there was an Inspector for Sir *Eliab Harvy*.

That Mr. *Hudson* said, he came into Court when they began to poll, and kept moving, and went to the several Books, and all he saw was fair; that to ten Books he found Inspectors, and at the eleventh Book none answered, but one had been fixed to that Book, but that was the best Book on Sir *Eliab's* side; that there were Inspectors for Sir *Eliab Harvy* at every Book; that Proclamation was made at the most considerable Inns of the Town, and for the last half hour not above 20 polled; that the Sheriff could see all over the Booth; and that when the Poll was closed, he could go round on the outside of the Booth, and not touch a Man; that he spake to some to be for Mr. *Honywood*, but told them he would not court them; that the Alteration of Cyphers into Figures was done in Court by direction of the Inspectors to rectifie Mistakes occasioned by the Clerks fast Writing.

That Mr. *Fowler* said, his Book was the last open; and said, that for at least two hours, not above ten Men came; that at last came a young Man to poll, but he was a Minor, and went back; and one *English*, who would have polled for Mr. *Honywood*, but came too late.

That Mr. *Butler* said, he was a Swearer at one Book, and every Man sworn by him was duly sworn, and he gave the same Oath to all; that after four a Clock none was polled at his Book, and that on the whole matter.

Whereupon the Committee came to the following Resolutions, *viz.*

1. " That *John Lemot Honywood* Esq; is not duly elected a Knight of the Shire to serve in this present Parliament for the County of *Essex*.
2. " That Sir *Eliab Harvy* is not duly elected a Knight of the Shire to serve in this present Parliament for the County of *Essex*.
3. " That the Election for a Knight to serve in this present Parliament for the County of *Essex*, in the place of *Henry Mildmay* Esq; deceased, is a void Election.

And the first of the said Resolutions being read a second time, and the Question put, That the House do agree with the Committee in the said Resolution.

The House divided: Yea's 149. No's 152. So it passed in the Negative.

And the said *John Lemot Honywood* was admitted by the House to be duly elected.

Die Mercurii 24 Januarii, 1693. Being the fifth Session of this Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Knight of the Shire to serve in this present Parliament for the County of *Essex*, in the room of *John Lemot Honywood* Esq; deceased.

Burgus de Evesham in Com' WORCESTER.

1695. **D**IE Luna 7 Decembris, 1695. A Petition of Sir Rushout Cullen Knight, setting forth, That the Petitioner was duly elected a Burgess to serve in this present Parliament for the said Burrough of Evesham; but that Henry Parker Esq; by illegal Practices hath procured himself to be returned for the said Burrough, in wrong of the Petitioner; and praying that the House will appoint a Day to hear and determine the Merits of the said Election; was read and referred.

Civitas de Exon in Com' DEVON.

Gr. Domesday, f. 100.^a

In the Great Domesday-Book, under the Title Devenescire, is this Entry. In Civitate Exoniæ habet Rex 300 Domus, 15 Minus, reddentes Consuetudinem, in hac Civitate sunt vastata 48 Domus Postquam Rex venit in Angliam; Burgenses Exoniæ habent extra Civitatem Terram 12 Carucat' quæ nullam Consuetudinem reddunt nisi ad ipsam Civitatem. And see Rot. Cart. 31 E. 1. per Inspeximus; whereby it appears, That this City was anciently the King's Demeasns.

27 E. 3.

In the Writ to the Mayor and Bailiffs of Exon for the Parliament, 27 E. 3. The Precept is, Quod duos Cives de provectionibus & discretioribus & magis expertis Civibus Civitatis prædictæ de assensu ejusdem Civitatis Elegi faciatis; Ita quod iidem Cives pro se & Communitate Civitatis prædictæ sufficientem Potestatem habent ad Tractandum Consulendum, &c.

And the Return thereupon endors'd is thus: Responso Roberti de Brideport Majoris Civitatis Exon, & Richardi Oliver & Thomæ Spicer Ballivorum ejusdem Civitatis ac Communitatis Civitatis prædictæ talis est; Quod ipsi Elegerunt prædictos Robertum de Brideport, & Robertum de Hughton Burgenses dictæ Civitatis ad faciendum secundum Tenorem istius Brevis.

Johannes Spicer & Willielmus Wike Manuceptores Roberti de Brideport. Willielmus Sleight & Richardus Oliver Manuceptores Roberti de Hughton.

1695. **D**IE Luna 2 Decembris, 1695. A Petition of Sir Edward Seymore Baronet, and John Snell Esq; setting forth, That the Petitioners were duly elected by the majority of Voices to serve in this present Parliament for the City of Exon; but that Mr. Tily and Mr. Seaward, by Menaces and Bribes, and by Combination with the Sheriff of the said City have obtained a Return, to the prejudice of the Petitioner's Right; and praying, that the House will take the Premises into Consideration, and examine the Matter of Fact; was read and referred. *But nothing further done therein.*

1698. *Die Jovis 22 Decembris, 1698. Sir Edward Seymore being chosen a Citizen to serve in this present Parliament for the said City of Exon, and also a Burgess for the Burrough of Totness in the County of Devon, made his Election to serve for the City of Exon.*

Ordered, That Mr. Speaker do issue his Warrant for a new Writ for electing another Burgess to serve for the Burrough of Totness, in the room of the said Sir Edward Seymore, who made his Election to serve for the City of Exon.

Burgus de Eye in Com' SUFFOLK.

In Little Domesday-Book, under the Title Sudfulc. Terra Roberti Mallet. Hund. de Hertefmera, is this Entry, viz. Eyam tenuit Edricus, ibi 12 Caruc. Terræ Tempore Regis Edwardi; Modo tenet Rex in Dominio, &c. Et modo sunt Mercatum & Parcus, & in Mercato manent 25 Burgenses; Huic Manerio pertinent 48 Socmanni, 121 Acras Terræ; Ex his Socmannis sunt 37 in Dominico, &c.

Lit. Domesday, f 319.^b

DIE Martis 12 Februarii, 1677. Sir Thomas Meers reports from the Committee of Privileges and Elections the State of the Case touching the Election for the Burrough of Hey alias Eye, in the County of Suffolk, and that the Committee had agreed upon a Vote, which he read, viz.

“Resolved, as their opinion, That Robert Reeves Esq; is duly elected to serve in this present Parliament for the said Burrough of Hey alias Eye, in the County of Suffolk.

And the Question being put, That the House do agree with the Committee in the said Resolution. The House divided:

Tellers	{ Mr. Gwyn	{ Yea's 142.
	{ Mr. Guy	
Tellers	{ Mr. Stockdale	{ No's 91.
	{ Mr. Palms	

So it was resolved in the Affirmative.

Die Veneris 3 Decembris, 1697. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgess to serve in this present Parliament for the said Burrough, in the room of Thomas Davenant Esq; deceased.

1697.

Villa de Flint in Com' FLINT.

DIE Luna 15 Martii, 1696. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for electing another Member to serve in this present Parliament for the said Town of Flint, in the room of Sir Roger Puleston Knight, deceased.

1696.

Die Martis 7 Decembris, 1697. A Petition of Sir John Hanmer Knight and Bar. was presented to the House and read, setting forth, That the Petitioner and Thomas Ravenscroft Esq; stood Candidates at the last Election for the Town of Flint, in the room of Sir Roger Puleston deceased, where Mr. Ravenscroft did not observe the late Act for preventing Expences at Elections, and by Combination with the Bailiff of Flint, polled many Persons made free after Sir Roger's Death, and many Foreigners who had no right to poll, and refused to poll the Petitioner's legal Electors, to his prejudice, and praying relief therein.

1697.

Ordered, That the Consideration of the said Petition be referred to the Committee of Elections and Privileges, and that they do examine the Matter thereof, and report the same with their Opinion to the House. But afterwards,

Ordered, That Sir John Hanmer be at liberty to withdraw his Petition touching the Election for the Town of Flint.

Die Sabbati 14 Maii, 1697. Ordered, That Mr. Speaker do issue his Warrant for making out a new Writ for electing another Member to serve in this present Parliament for the said Town of Flint, in the room of Thomas Ravenscroft Esq; deceased.

Burgus de Fowey in Com' CORNWALL.

1696. **D**IE Mercurii 10 Febr. 1696. Mr. Speaker acquainted the House, that he had received a Letter from Mr. Vivian (who is sick in the Country) signifying, that he being chosen a Burgess to serve in this present Parliament, as well for the said Burrough of Fowey, as for the Burrough of Mitchel in the County of Cornwall, made his Election to serve for the said Burrough of Fowey. And

Ordered, That Mr. Speaker do issue his Warrant for a new Writ for the Burrough of Mitchel, in the room of the said Mr. Vivian.

1698. **D**ie Luna 12 Decembris, 1698. A Petition of Shadrack Vincent and Henry Ashurst Esquires, setting forth, That at the Election of Members to serve in this present Parliament for the said Burrough, the Petitioners were duly chosen by a great majority; yet such was the Partiality of Jonathan Tincomb Port-Reve of Fowey, that before the Election he declared, that he would not return the Petitioners, though they had never so many Votes, but would return one of the sitting Members if he had but four Votes; and accordingly did falsely return Sir Bevill Greenville and Mr. Vivian; and being told that the Petitioners might recover great Damages against him for such false Return, he said he hoped to get 500 l. by the Bargain; and several other corrupt Practices were used in behalf of the sitting Members; and therefore the Petitioners pray the Relief of the House in the Premises; was read and referred. Also,

1699. **D**ie Jovis 16 Novemb. 1699. Another Petition of Shadrack Vincent, complaining of an undue Election and Return for the said Burrough, was presented to the House, and read, and referred to the said Committee.

Die Mercurii 29 Novembris, 1699. The House being informed that the Petition of Shadrack Vincent Esq; touching the Election for the said Burrough, is different from what was presented the last Sessions.

Ordered, That it be an Instruction to the said Committee, that they do examine whether the Petition presented this Session be the same in Substance with that which was presented the last Session, and that they do report the same with their Opinion therein to the House, and that the said Committee do the same before they proceed upon the Merits of the said Election.

A Debate arising in the House concerning certain Orders lately made by the said Committee, relating to the giving Lists of Persons excepted to on either side, in cases touching Elections depending before them: And the House considering the Inconveniences which have arisen thereby,

Ordered, That the said Orders be discharged, and that it be an Instruction to the said Committee, that they do make no such Orders for the future.

Die Mercurii 13 Decembris, 1699. Ordered, That the Report from the said Committee touching the Election for the said Burrough be made to Morrow morning. And accordingly,

Report. **D**ie Jovis 14 Decembris, 1699. Sir Rowland Gwyn reported from the said Committee, to whom the matter touching the Petitions concerning the Election for the said Burrough was referred, and the Resolution of the said Committee, which they had directed him to report to the House; which he read in his place, and afterwards delivered in at the Clerks Table, where the same was read, and agreed unto by the House, and is as follows, viz.

“Resolved, That the Petition of Shadrack Vincent Esq; presented to the House of Commons this Session of Parliament, touching the late Election for the said Burrough, is the same in Substance with the Petition of the said M. Vincent and Henry Ashurst Esq; presented to the House of Commons the last Session, relating to the said Election.

Die Luna 5 Febr. 1699. The House being informed, that Shadrack Vincent Esq; who petitioned against Sir Bevill Greenville and Mr. Vivian, touching the Election for the said Burrough, is dead: Ordered a new Writ for electing another Member in his room.

Burgus de Gatton in Com' SURREY.

By Great Domesday Book it appears, that the Town was then the Land of Odo, ^{Great Domesday, fol. 31. b.} Bishop of Bayeux and no Burrough: And note, this Town Escheated or Reverted to the Crown, either on his Death, or upon his Forfeiture when he was Imprison'd for Treason by his half Brother William the Conqueror, Anno 1085.

DIE Martis 20 Octobris, 1696. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgess to serve in this present Parliament for the said Burrough of Gatton, in the room of Sir John Thompson, Bar. now Lord Haversham, and called up to the House of Lords. 1696.

Die Jovis 12 Novembris, 1696. A Petition of John South, Esq; complaining of an undue Election and Return for the said Burrough. Also

A Petition of the Burghers and Inhabitants of the said Burrough on behalf of themselves and many others, complaining of the said Election and Return, were read and referred to the Committee of Privileges and Elections.

Die Martis 15 Decembris, 1696. Coll. Wharton reported from the said Committee Report. the Matter of the said Election, as it appear'd to them, viz.

Upon the Petition of John South, Esq; against the Return of George Evelyn, Esq; for the said Burrough of Gatton, the Committee examined the Merits of that Election.

That for the Petitioner it was insisted, that the Right of Election was in the Inhabitants not receiving Alms, and in the Freeholders of the said Burrough having such Freehold in their own Occupation.

That upon the Poll the Petitioner and the sitting Member had equal Voices, viz. 11 each.

But that it was insisted on behalf of the Petitioner, that several that voted for the sitting Member were not qualified, and that four who had a Right to vote, and would have voted for the Petitioner were deny'd to be polled.

That as to the Right of Election; for the Petitioner were produced

John Pigeon, Adam Listney, Benjamin Shore and John Tanner, who testified, that they had been acquainted with the Town a great many Years, and had been present at a great many Elections; and they said, the Right of Election was in the Inhabitants of the Town not receiving Alms; and the Freeholders of the said Burrough having such Freeholds in their own Occupation, but could give no Instance when any Person that received Alms had offered to vote, and been refused.

And it was agreed, that there had been no disputed Election in this Burrough but one, which was when my Lord Haversham, Sir Nicholas Carew, and Mr. Turgis stood, at which Election Mr. Turgis brought some Persons down from London, as having Estates in Nutwood, and my Lord Haversham objected to them as unknown Persons; but the then Constable return'd Sir Nicholas Carew and Mr. Turgis for whom the Strangers voted.

That afterwards some of the Inhabitants Petition'd the House of Commons against them, but it came to no Determination.

John Ingram, Clerk said, he was a Minister of the next Parish, and that by common Report the Right of Election was in the Inhabitants and Freeholders, having their Lands in their own Occupation, but had been present at no Election but this last.

And as to the Right of the four Persons that would have voted and were refused, they called

Benjamin Shore and Alexander Dallington, who said, that Cornelius Alston was an Inhabitant at the time of the Election, and came down in July or August last, and had laid out a great deal of Money upon his House.

That Matthew Scriven was an Inhabitant at the time of the Election, and a Month before.

That James Williams had been an Inhabitant several Years, and voted before, and been Church-Warden and Constable.

That

That then the Council for the Petitioner proceeded to make good the Voices that had voted for him, and were quary'd at the time of the Election. And

Shore and *Dallington* said, that *Robert Pepys* was an Inhabitant and paid Tythes, and voted formerly; *Edward Shore* is an Inhabitant, and has a Freehold in his own Possession; *Richard Killick*, Sen. hath voted and born Offices in the said Burrough; that *Edward Stevens* was an Inhabitant but newly come to Town; that *Charles Smith* had a Freehold of two Acres of Land, sold to him by the Lord *Haversham* about September last; and *Dallington* said, he was a Witness to the Deeds, but saw no Money paid for it.

That the Council for the Petitioner farther proceeded to make their Exceptions to several that voted for the sitting Member. And

Benjamin Shore said, that he never knew *John Wood* vote before now, nor was he an Inhabitant; that *Ambrose Parker* was reputed not to have his Freehold Land in Possession; that *John Chilman* had left his Freehold Land to *Edward Shore*; that *Anthony Winscombe* was about 12 Months ago absent for about a quarter of a Year; that *John Beadle* lives in a little House just by the great House.

That for the sitting Member it was insisted. "That the Right of Election was in the Freeholders of the said Burrough, and in the Inhabitants of the same, paying Scott and Lott. And

Mr. Carew and *Richard Jewel* testified, that before the Election it was agreed by the Candidates that the Right was in the Freeholders and Inhabitants of the said Burrough, paying Scott and Lott.

Edward Shore said, he had known *Gatton* 50 Years, and that the Right was in the Freeholders and Inhabitants, paying Scott and Lott.

Mr. Carew said, that *Coll. Thompson* pretended to have a right to vote by virtue of a Lease from his Father in May last; and that he did not take *Cornelius Alston* to be an Inhabitant, he renting a House but of 4 *l.* 10 *s.* a Year, and never did give Notice to the Church wardens as the Act of Settlement requires; that he had made out a Warrant for taking up *Scriven* and *Ticknal* to put them upon finding Security, but they could not be taken; that *Palmer* and two or three others were deny'd their Votes, and because they were exempted from paying to Church and Poor by reason of their Poverty.

Ainscombe the Constable said, that he did quare seven of *Mr. South's* Voters, because they did not pay Scott and Lott; and believes none of the Seven but *Pepys* the Minor voted before; that they quarried *Coll. Thompson*, because they did not know whether his Father had made any Settlement upon him, or that he was of Age; that he quarried *Pepys*, because being a Minor, and not being qualified to be elected, he thought he could not elect; that *Richard Killick*, Sen. paid to Church and Poor; that *John Walker* hath but 30 *s.* a year Freehold, but he Rents 80 *l.* a year; that *Edward Stevens* and *William Palmes* did not pay to Church and Poor.

That *Charles Smith* had no Estate there, till a little before the Election he had two Acres granted to him by the Lord *Haversham*; that *Cornelius Alston* came to Town the Day before Sir *John Thompson* was made a Lord, i. e. Lord *Haversham*; That *James Williams* lived in one of the Lord *Haversham's* Houses; that *William Ticknal* was no Inhabitant; that *Scriven* came to Town about August last. And

Jeffry Chilman said, that *Scriven* was brought to Town in August last by the Lord *Haversham*, and the Parish had endeavoured to remove him; that *Edward Stevens* did not pay Scott and Lott; but said, that there had been no Assessment since he came to Town; that *John Walker* never paid Scott and Lott, but had been Overseer of the Poor; that *Williams* did pay when he lived in a bigger House, but is now removed into a House which never paid.

Edward Shore said, that *Gabriel Ainscombe* is an Inhabitant, and Rents about 80 *l.* per Annum; that *Anthony Ainscombe* is an Inhabitant, and Rents almost as much; that *Ambrose Parker* has had a Freehold in his own Occupation ever since *Michaelmas* last; that *John Chilman* is a Freeholder, but *Shore* has the Possession of it; that *Beadle* hath been an Inhabitant for many Years.

And that as to *John Wood* the Council said, that he was a Freeholder, and for that Matter appeal'd to *Mr. Turgis* a Member.

And that upon the whole Matter the Committee came to this Resolution, as their Opinion, viz.

"That *George Evelyn*, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Gatton*.

And

And the said Resolution being read a second time. Resolved by the House *Nemine contradicente*, that the House doth agree with the Committee in the said Resolution.

Burgus de St. Germans in Com' CORNWAL.

DIE Jovis 22 Decembris, 1698. *John Tanner*, Esq; being chosen a Burgess to serve in this present Parliament for the said Burrough of *St. Germans*, and also a Burgess for the Burrough of *Grampound*, made his Election to serve for the Burrough of *St. Germans*. And order'd, That Mr. Speaker do issue his Warrant for a new Writ to elect another Burgess for the Burrough of *Grampound* in his room. 1698.

Die Jovis 16 Novembris, 1699. Order'd, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgess to serve in this present Parliament for the said Burrough of *St. Germans*, in the room of *John Tanner*, Esquire, deceased. 1699.

Die Veneris 22 Decembris, 1699. A Complaint being made to the House, that although a new Writ issued long since for the electing a Burgess to serve in this present Parliament for the said Burrough, there is no Account of the same being brought as yet to the proper Officer of the said Burrough.

Order'd, That a Committee be appointed to enquire where the Default has been, that the said Writ has not been delivered to the proper Officer in order to the Execution thereof, and a Committee was accordingly appointed, and they to have power to send for Persons, Papers and Records.

Comitatus de Glamorgan.

DIE Jovis 16 Novembris, 1699. Order'd, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Member to serve in this present Parliament for the County of *Glamorgan*, in the room of *Bussy Mansell*, Esquire, deceased. 1699.

Comitatus de Gloucester.

DIE Lune 25 Novembris, 1695. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Knight of the Shire to serve for the said County, in the room of *Sir John Guise*, Baronet, deceased. 1695.

Die Mercurii 8 Januarii, 1695. A Petition of *Sir John Guise*, Baronet; setting forth, that at the Election of a Knight of the Shire to serve in this present Parliament for the County of *Gloucester*, the Petitioner and *Thomas Stevens*, Esq; stood Candidates for the same; that the High Sheriff shew'd himself partial in favour of Mr. *Stevens*, and continu'd the Poll very irregularly by Adjournments, and refused several Freeholders that offer'd to poll for the Petitioner; and finding that the Petitioner had the Majority after four Days polling, and that several hundreds more offer'd to poll for the Petitioner; and none appearing to poll for Mr. *Stevens*, the High Sheriff adjourned the Poll near 20 Miles from the Place where he began to poll, and afterwards 10 Miles distance from thence, and declared the said Mr. *Stevens* duly elected, tho' the Sheriff did not appear at the last Place of Adjournment; and praying that the House will take the Premises into Consideration, and do what shall be just therein, was read and referred.

Civitas de Gloucester in Com' GLOUCESTER.

1690. **D**IE Jovis 3 Aprilis, 1690. A Petition of the Mayor, Aldermen and Freemen of the said City; setting forth, that the Privilege of the said City as to the Choice of Parliament Men is, that no Person shall be chosen there but one that is a Freeman, and hath taken the usual Oath of the said City; yet one Mr. Fry having join'd with Mr. Palmer one of the Sheriffs of the City by great Expence of Money amongst the poorer sort of Freemen hath prevail'd with them for their Voices, and with the said Mr. Palmer to return him with *William Cook*, Esq; although *John Delabre*, Esq; who is a Freeman of the City, and qualified as he ought to be (and the said Mr. Fry is not) was duly elected by majority of the Petitioners and qualified Freemen, as appears by the Return executed by *Benjamin Rose*, the other of the Sheriffs and the Petitioner; but the said Mr. Palmer refused to join therein and returned Mr. Fry in breach of the antient Privilege of the said City, and not doubting but that this House will be very tender of the Preservation of the Rights and Customs of so antient a City; and praying to enjoy it according to *Magna Charta*, they desire the Consideration of the House and Relief therein; read and referred. *Quere die Veneris 4 Aprilis, 1690.*

Die Luna 24 Novembris, 1690. Order'd, That Sir *John Guise* a Member of this House, and Mayor of the City of Gloucester have leave to make a Return of a *Man-damus* directed to him.

Burgus de Grampound in Com' CORNWAL.

Rot. Par.
1 R. 2. M. 7.
per Inspeximus.

John of Eltham, second Son to Edward the Second, was Earl of Cornwall, and by his Charter gave and granted to his Burgeses of Graunt point or Great-Bridge (now Grampound) in Cornwall, the whole Town and several other Lands abuttalled and bounded in his Charter, and made it a Free Burgh, which they were to hold of him and his Heirs for ever in Fee-Farm, paying at the Feasts of Easter and Michaelmas 12l. 11s. 4d. This is dated the 6th of October, in the seventh Year of his dearest Brother King Edward. Vide Rot. Cart. 6 E. 3. N^o. 7.

1692. **D**IE Veneris 4 Aprilis, 1692. Being the fourth Session of the six years Parliament. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing of a Burgeses to serve in this present Parliament for the said Burrough, in the room of *Walter Vincent*, Esq; deceased.

1698. *Die Jovis 22 Decembris, 1698.* *John Tanner*, Esq; being chosen a Burgeses to serve in this present Parliament for the Burrough of *St. Germans* in the County of *Cornwal*, and also a Burgeses for the said Burrough of *Grampound* in the same County, made his Election to serve for the Burrough of *St. Germans*. And

Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgeses to serve for the said Burrough of *Grampound* in his room.

Burgus de Grantham in Com' LINCOLN.

1678. **D**IE Luna 10 Januarii, 1678. Sir *Thomas Meers* reported from the Committee of Privileges and Elections the State of the Case upon the Election for the said Burrough of *Grantham*, and that the Committee upon Consideration thereof had agreed upon two Votes, viz.

1. That Sir *Roger Markham* is not duly elected to serve in this present Parliament as a Burgefs for the said Burrough.

2. That Sir *William Ellis* is duly elected to serve in this present Parliament as a Burgefs for the said Burrough.

And the first of the said Votes being read a second time, and the Question being put to agree with the Committee in the said Vote.

The House divided. The No's go forth:

Tellers { Lord *O. Bryan* ——— } No's 179.
 { Sir *John Talbot* ——— }

Tellers { Sir *Eliab Harvey* ——— } Yea's 167.
 { Mr. *Harbord* ——— }

So it passed in the Negative. And

" Resolved by the House, that Sir *Robert Markham* is duly elected to serve in this present Parliament as a Burgefs for the said Burrough of *Grantham*.

Dis Veneris 3 Decembris, 1697. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgefs to serve in Parliament for the said Burrough, in the room of Sir *John Brownlow*, Baronet, deceased. 1697.

Die Mercurii 5 Januarii, 1697. A Petition of several of the Inhabitants of the said Burrough; setting forth, that a Writ issuing for chusing a Member to serve in this present Parliament for the said Burrough, in the room of Sir *John Brownlow*, deceased; Sir *John Thorold* spent Money at the said Election contrary to a late Act of Parliament to prevent Expences, and by bringing Strangers to vote who never were admitted, their Claim being under the Pretence of a late Charter made by the late King *James*, which he also revoked, and by other undue Means the said Sir *John Thorold* hath unjustly procured himself to be return'd for the said Burrough; and praying Relief therein, was read and order'd to be referred to the Committee of Privileges and Elections.

Die Luna 7 Februarii, 1697. Order'd, That the Town of *Grantham* be at liberty to withdraw the Petition touching the late Election for the said Burrough.

Burgus de Great Grimsby in Com' LINCOLN.

DIE Mercurii 1 Aprilis, 1690. A Petition of Sir *Thomas Barnardiston*, Knight; setting forth, that he was duly elected by 22 of the 27 Electors for the said Burrough, and ought to have been return'd, but that *John Chaplain*, Esq; the present High Sheriff of that County hath procured himself to be return'd contrary to Law, and a standing Order of this House; and praying the Consideration of the House, and Relief in the Premisses; read and referred. 1690.

Die Jovis 16 Novembris, 1693. Order'd, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgefs to serve in this present Parliament for the said Burrough, in the room of Sir *Edward Ayscouth*, Kn^t. deceased. 1699.

Die Veneris 8 Decembris, 1699. A Petition of *Richard Robinson*, Esq; was presented to the House and read, complaining of an undue Election and Return for the said Burrough of *Grimsby*, and referred to the said Committee.

Burgus de East-Grimstead in Com' SUSSEX.

DIE Mercurii 19 Martii, 1678. A Petition of several of the Inhabitants of *East-Grimstead* in the County of *Sussex*, complaining of an undue Return made by the Bailiff of the said Burrough, of two Persons to serve as Burgessees in this Parliament 1678.

liament for the said Burrough, not elected by the Inhabitants, and refusing to return *Henry Powle* Esq; whom the Petitioners did duly elect, in injury of the Petitioner; was read and referred to the Committee of Elections, &c. Also

A Petition of *William Scroggs* Esq; complaining of an undue Return of *Edward Sackville* Esq; to serve in this Parliament as Burgesses for the said Burrough, in injury of the Petitioner, who was duly elected, and ought to have been returned; was also read and referred.

1679. *Die Lune 7 Aprilis, 1679.* Sir *Thomas Meers* reports from the said Committee, Report. That they had taken into Consideration the matter of the Election for the said Burrough, and had agreed upon a Report to be made to the House, which he read, &c. and is as followeth, viz.

The Question was, Whether the *Inhabitants* at large, or the *Burgage-holders* alone, had the right of Election of Members to serve in Parliament for the said Burrough?

The Inhabitants being Petitioners, produced the several Records following to prove *East-Grinstead* a Burrough by Prescription, and that all the Inhabitants have right to vote in Elections for the said Burrough, viz.

1 *Mariae*, The Bailiffs, Burgesses, and all other the Inhabitants, of their common assent, have elected.

30 *Eliz.* The Bailiffs, Burgesses and Inhabitants, of their common assent jointly together, have chosen.

21 *Jacobi*, *In eadem forma.*

1 *Car.* The Bailiff and Commonalty for and in the Name of themselves, and the rest of the Burgesses and Commons, of the Commonalty of the said Burrough, have chosen.

They offered several other Records to prove the same; but the Council on the other side admitted, they were to the same purpose.

Then the several Witnesses following were examined, viz.

Mr. Robert Goodwin says, he has known the Burrough above sixty Years, and served in Parliament for the same in the 18th of King *James*, and in several Parliaments afterwards; and in all his Elections, the Inhabitants, as well as the Burgage-holders, chose him, and voted in all Elections from the 18th of King *James* till his Majesty's Restoration, when he gave over standing by reason of his old Age; and says, that he searched the Records, and found by five of them, that the Inhabitants at large had right to vote in Elections, and therefore he took them in all his Elections.

Thomas Cockett says, he was an Inhabitant, and no Burgage-holder, and yet voted in an Election forty Years ago for *Mr. Goodwyn*.

Robert Matthews and another says, they were present at an Election for *East-Grinstead* in February last; and after the Precept was read by the Bailiff, about 60 of the Inhabitants demanded the poll for *Mr. Powle*, but the Bailiff deny'd them; and thereupon they voted for *Mr. Powle*, and elected him, and signed and sealed an Indenture, whereby he is returned one of the Burgesses; and they say, that *Mr. Powle* had about 60 Voices, but no other Competitor had above 18.

The Inhabitants offered other Evidence, but the Council of all sides agreed, that the Inhabitants at large have right to elect, and that *Mr. Powle* was well elected.

Then the Council for *Mr. Scroggs* pretended to prove their Clyent elected in the next place; but he in his Petition only asserted himself well elected, and not denying the Election of *Mr. Pelham*, *Mr. Scroggs* his Council, and all other the Council and Witnesses were made to withdraw.

The Council for the Inhabitants did not oppose *Mr. Pelham*.

And after the Debate, the Committee came to these Resolutions, viz.

"Resolved, That the Burrough of *East-Grinstead* in the County of *Sussex* is an ancient Burrough by Prescription.

"Resolved, That the Inhabitants, as well as the Burgage-holders of the said Burrough, have right to vote in Elections of Members to serve in Parliament for the said Burrough.

And upon Debate and Consideration by the said Committee, that *Mr. Scroggs* had not petitioned against *Mr. Pelham*.

"Resolved, That *Mr. Scroggs* his Council and Witnesses shall not be called in to be heard against *Mr. Pelham*.

"Resolved, That Edward Sackville Esq; was not duly elected to serve in this Parliament for the said Burrough of East-Grinstead.

"Resolved, That Henry Powle Esq; is duly elected to serve in this Parliament for the said Burrough of East-Grinstead.

Resolved, That this House do agree with the Committee, viz.

1. "That the said Burrough of East-Grinstead is an ancient Burrough by Prescription.

2. "That the Inhabitants, as well as the Burgage-holders, have a right to vote in Elections, &c.

3. "That Edward Sackville Esq; was not duly elected to serve in this Parliament for the said Burrough.

4. "That Henry Powle Esq; is duly elected to serve in this Parliament for the said Burrough.

Ordered, That the Clerk of the Crown do attend to morrow morning, and amend the Return.

Die Lune 14 April. 1679. The Clerk of the Crown attending, he was called in, 1679. and amended the Return, according to the said Resolutions.

Mr. Powle being elected to serve in this Parliament for the Burrough of Cyrencester in the County of Gloucester, and for the said Burrough of East-Grinstead, made his choice to serve for the Burrough of Cyrencester.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for a new Writ for electing a Burgess to serve in this Parliament for the said Burrough of East-Grinstead.

Die Jovis 5 Januarii, 1692. being the Fourth Session of the six Years Parliament of King William; Ordered, That Mr. Speaker do issue his Warrant, *ut supra*, for a new Writ for electing a Burgess to serve for the said Burrough, in the room of Thomas Sackville Esq; deceased. 1692.

Die Sabbati 2 Februarii, 1694. The like Order for a new Writ for electing another Burgess, in the room of Simon Smith Esq; deceased. 1694.

Die Lune 25 Novembris, 1695. A Petition of Lyonel Earl of Orrery, Baron of Broghil in the Kingdom of Ireland; setting forth, That the Petitioner was duly chosen a Burgess for the said Burrough to serve in this present Parliament; notwithstanding which, the Bailiff of the said Burrough (refusing to admit of several good Votes for the Petitioner) hath returned Sir Thomas Dyke and John Conyers Esq; as duly elected, and praying the Consideration of the House in the Premises; was read and referred. 1695.

Ordered, That the Consideration of the said Petition be referred to the Committee of Privileges and Elections, and that they do examine the Matter thereof, and report the same with their Opinion therein to the House; was read and referred. Also

A Petition of Spencer Compton Esq; setting forth, That on the 19th of November Instant, the Petitioner was duly chosen a Burgess to serve in this present Parliament for the said Burrough; but that John Jesmer, Bailiff of the said Burrough, hath arbitrarily returned Sir Thomas Dyke and John Conyers Esq; as Burgesses, though the Petitioner had the majority of legal Electors that voted for him; and praying the Consideration of the House in the Premises, and to do therein as to them shall seem meet; was read and referred, *ut supra*. Also

A Petition of many of the Burgesses and Inhabitants of the said Burrough, setting forth, That the Petitioners duly chose the Right Honourable the Earl of Orrery to be one of the Burgesses for this present Parliament; but the Bailiff of the said Burrough denying to several of the Petitioners their right of Election, hath unjustly refused to return the said Lord Orrery, and hath returned Sir Thomas Dyke Baronet, and John Conyers Esq; as Burgesses; and praying that the House will take the Premises into Consideration, and to do therein as to them shall seem meet; was read, and ordered to lie upon the Table.

Die Veneris 29 Novembris, 1695. The Petition of several of the Inhabitants of the said Burrough of East-Grinstead, which lay on the Table, was read and referred to the Committee of Privileges and Elections.

Die Mercurii 1 Januarii, 1695. Ordered, That the Report from the Committee touching the said Election be made upon Saturday morning next. But,

Die Luna 6 Januarii, 1695. Ordered, That the said Report be made upon *Thurs-*
day morning next. And accordingly,

Die Jovis 9 Januarii, 1695. Mr. Solicitor General reported the case of the said Election, *viz.*

Upon the Petitions of *Lyonel Earl of Orrery, Spencer Compton Esq;* and of the Inhabitants of the Burrough of *East Grinstead*, the Committee have examined the Merits of the Election for that Burrough.

That the Petitioners insisted, that the right of Election was in the Burgage-holders and Inhabitants of the said Burrough paying Scot and Lot; the majority of whom voted for the Petitioners. And

Did also insist, that if the Committee were of opinion, that the right was in the Burgage-holders alone, that then the Petitioners were elected by the majority of them also.

To prove the right in the Burgage holders and Inhabitants, the Petitioners produced several Returns, *viz.*

12 E. 4. Which says, that 12 Persons therein named, and other Burgeffes of the Burrough of *East-Grinstead* elected, and had full power for themselves and the Commonalty of the said Burrough.

17 E. 4. Between the Sheriff of the one part, and the Bailiff, and 12 other Persons (most of them other Persons than those in the first Indenture named) and other Burgeffes of the other part; witnesseth, that the said Bailiff and Commonalty elected.

7 E. 6. Between the Sheriff, and above 16 Persons named, and stiled *Burgeffes* and *Inhabitants* of the said Burrough; the said Burgeffes and Inhabitants (*Ex eorum unanimiti assensu & Consensu eleger.*) and concludes, *In cujus rei Testimonium Burgenses predicti. sigilla sua apposuerunt.*

1 Maria. Between the Sheriff, and the Bailiff, and 13 other Persons named, and stiled *Burgeffes* and *Inhabitants*; the said Bailiff and Burgeffes, and all other Inhabitants of the said Burrough, of their common assent elected: To which Indenture the said Bailiff, Burgeffes and Inhabitants put their Seals.

1 & 2. P. & M. The Bailiff, and four other Persons therein named, and stiled *Burgeffes* and *Inhabitants*, elected. The said Bailiff, Burgeffes and Inhabitants, for themselves, and in the Names of all other the Burgeffes and Inhabitants of the said Burrough, put to their Seal.

2 & 3 P. & M. The Bailiff, and 12 other Persons, named and stiled *Burgeffes* and *Inhabitants*, elected. The Bailiff and Burgeffes put to their Seals, in the Name of all other the Inhabitants.

26 Eliz. Between the Sheriff and the Bailiff, and 14 other Persons, named and stiled *Burgeffes* and *Inhabitants*, elected. The Bailiff, Burgeffes and Inhabitants put their Seal.

30 Eliz. The Bailiff, and seven other Persons, named and stiled *Burgeffes* and *Inhabitants*, of their common assent jointly together elected. The said Bailiff and Burgeffes, in the Name of all the residue of the Burgeffes and Inhabitants, put to their Seal.

39 Eliz. The Bailiff, and five other Persons named, and others of the Commonalty, for and in the Name of the rest of the Burgeffes, elected; and gave power for themselves, and the rest of the Commonalty of the said Burrough.

43 Eliz. The Bailiff, and 10 other Persons named, and stiled *Burgeffes* and *Inhabitants*, elected. The Bailiff and Burgeffes, in the Name of all the residue of the Burgeffes and Inhabitants, put their Hands and Seals, with the common Seal of the said Burrough.

1 Jac. Between the Sheriff and the Bailiff, and 12 other Persons named, and stiled *Burgeffes* and *Inhabitants*; the said Bailiff, Burgeffes and Inhabitants elected. The Bailiff and Burgeffes, in the Name of all the residue of the Burgeffes and Inhabitants put to their Seal, with the common Seal of the said Burrough.

21 Jac. Between the Sheriff, and 12 Persons named, and stiled *Bailiff*, *Burgeffes* and *Inhabitants*. The said Bailiff, Burgeffes and Inhabitants, of their common assent jointly elected, and to the Indenture set their Seals.

4 Martii, 15 Car. 1. The Indenture recites the Sheriff's Warrant to the Bailiff and Burgeffes, 16 Burgage-holders named, and 14 Inhabitants named, elected; and set their Hands and Seals.

16 Car. 1. About 59 Persons named *Burgeffes* and *Inhabitants* of the Burrough, and there present, elected, by virtue of the Sheriff's Warrant, directed to the Bailiff, Burgeffes and Inhabitants. Also,

24 April,

24 April. 16 Car. 1. The Resolution of the House, reciting, that Mr. *Goodwin* affirmed, that the Inhabitants as well as Burgage-holders had right to elect: It was resolved, That Mr. *Goodwin* was well elected and returned Burgeses, and was a fit Person to serve in Parliament.

7 Aprilis, 1679. The Report of *East-Grinstead* Election was read, wherein it is recited, that one Witness testified for 60 Years, and another for 40 Years; that the Inhabitants as well as Burgage-holders always voted. And the House resolved, that the Inhabitants as well as Burgage holders had a right to elect.

19 April. 13 Car. 2. A Precept to the Bailiff and Burgeses. The Indenture by 35 Persons named, and stiled Bailiff, Burgeses and Inhabitants elected. And the Bailiff, Burgeses and Inhabitants sealed.

19 August. 31 Car. 2. A like Precept to the Bailiff and Burgeses, 34 Persons named, and stiled Bailiff, Burgeses and Commonalty elected. The Bailiff and Burgeses set their Seal.

33 Car. 2. 35 Persons named, and stiled Burgeses and Inhabitants, with divers other Burgeses and Inhabitants elected.

Mr. *Packer* being produced as a Witness said, The Inhabitants demanded a Poll for the Petitioners, but it was deny'd; and he proved an Indenture to be signed and sealed by them, which testified, that they had elected the Petitioners.

That the Petitioners in the next place endeavoured to prove themselves elected by Burgage-holders. And

That the Poll taken of the Burgage-holders was thus	{	For Sir <i>Thomas Dyke</i> _____	16
		For Mr. <i>Conyers</i> , whereof one was his own Vote,	14
		For the Earl of <i>Orrery</i> _____	13
		For Mr. <i>Compton</i> _____	11

That the Petitioners insisted, that some that were qualified to Vote as Burgage-holders, and would have voted for the Petitioners, were deny'd their Votes; and called

James Thorp, who said, he had received of Mr. *Putland* 9*l.* for Rent due to the Lord, but that it was not for the House he pretended to give his Vote for. But another Witness said, that *Putland* lived in the House for which he voted, tho' he had not lived there long, and believes *Putland* bought it 19 Years ago; and that he would have polled for the Petitioners, but was refused.

Mr. *Smith* was also called, who said, he was a Burgage-holder, and voted for the Petitioners, and would have polled for them, but was refused; and produced Deeds of his Burgage-hold; but could not say when they were executed, nor when he had possession first.

Hutchins said, that *Edward Head* had a Burgage-Estate in this Burrough, and believes it was mortgaged to him in Fee. But,

Mr. *Packer* said, *Head* would have polled for the Petitioners, but was objected against by Mr. *Conyers*, because (as Mr. *Conyers* said) an Infant had the Equity of Redemption, and thereupon was refused by the Bailiff.

Ledger said, that when Sir *Thomas Dyke* came to him to desire his Vote a little before the Election, he pulled out a handful of Money; that he then told him, he would do him as much kindness as Mr. *Compton* should. And *Payne* offered him the Running of an Horse if he would vote for Sir *Thomas Dyke*.

For the fitting Members it was insisted,

That the Right of Election was only in the Burgage-holders, and that the Votes of the Inhabitants were procured by indirect means for the Petitioners.

Thomas Pollard said, that Mr. *Packer* desired his Vote for the Earl of *Orrery* and Mr. *Compton*, and promised to be a good Friend to him; and told him, that Sir *Thomas Dyke* had been in the House a good while, and had done no good; and that he was a Jacobite, and kept a Jesuit in his House; and that he would not be suffer'd to sit in the House.

And further testified, that he denying to vote for the Petitioners, was threaten'd with a Stone Doubler; and accordingly three Days before the Election he was arrested. That *Percival* would have had him go to *London* to be out of the way at the Election, which he refused.

Jeremy Johnson said, that it was given out by one *Percival* that appeared for the Petitioners, that if Sir *Thomas Dyke* was chosen, the House would not accept of him, but he would be turned out again.

Edward

Edward Paine said, it was rumoured in the Town a little after *Percival* came to Town; that 60 Members were to be turned out of the House, and that *Sir Thomas Dyke* was one of them.

Mr. Thomas James testified, that he heard *Mr. Packer* say, he had received a Letter from the Chancellor of the Exchequer, or else he had not made so much Interest there.

John Cooper said, that *Bodell* said (after the Election was over) that *Widow Jenner* and *Widow Taylor* should have their Pensions stopt; and that he had the Order of the Lord Chamberlain so to do, because some certain Persons had voted for the fitting Members.

Robert Badkin said, that *Robert Bodell* that appeared on behalf of the Petitioners gave out, that if they did disobey my Lord *Dorset* they should be troubled with Soldiers and lose the Affizes.

John Paine and *John Wood* said, *Ledger* declared he would vote for the Petitioners, for then he could have a Place for his Mother in the College of 8 *l.* a Year, which would be worth 100 *l.*

Henry Page said, that *Smith* that pretended to vote for the Petitioners had declared the House for which he pretended to vote, was not his, but one *Mr. Smith's* of *Windfor*.

That on behalf of the fitting Members were also produced Returns, viz.

28 *Eliz.* Between the Sheriff and 23 Persons named and stiled, the Bailiff and Burgesses and Inhabitants.

The Bailiff and Burgesses of their Common Consent jointly elected; and the Bailiff and said Burgesses in the Name of the Residue of the Burgesses then sealed.

13 *Car. 1.* Between the Sheriff and 15 Persons named and stiled Bailiff and Burgesses, and reciting that the Bailiff and Burgesses by Warrant to them directed, elected.

Jenner also said, that on behalf of the fitting Member was also produced a Letter from the Earl of *Dorset*, directed to the Bailiff and the rest of the Burgage-holders of *East-Grinstead*, by which he took notice of their Promise to choose the Lord *Orrery*; he recommended the Earl of *Orrery* and offered them his Service, which he said was read publickly before they went to the Election, and before the Precept was read.

And that upon the whole Matter the Committee came to the following Resolutions, viz.

1. " That the Right of Election of Burgesses to serve in Parliament for the said Burrough, is not in the Burgage-holders and Inhabitants of the said Burrough.

2. " That the Right of Election of Burgesses to serve in Parliament for the said Burrough is in the Burgage-holders only.

3. " That *Sir Thomas Dyke*, Bar. is duly elected a Burgess to serve in this present Parliament for the Burrough of *East Grinstead*.

4. " That *John Conyers*, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of *East Grinstead*.

The first of the said Resolutions being read a second time, and the Question being put, that the House do agree with the Committee in the said Resolution, that the Right of Election is in the Burgage-holders only.

The House divided. The No's go forth:

Tellers { *Mr. Gwyn* ——— } Yea's 121.
 { *Mr. Bromley* ——— }

Tellers { *Mr. Wharton* ——— } No's 128.
 { *Mr. Clark* ——— }

So resolved in the Affirmative.

The rest of the said Resolutions being severally read a second time, were upon the Question severally put thereupon agreed unto by House.

Burgus de Guilford in Com' SURREY.

By the Greater Domesday Book, under the Title Surre Scire, it appears, that Guilford at the Time of making that Survey, was the King's Demeas'n Land, and then no Burrough. Great Domesday, fol. 30. b.

DIE Veneris 22 Martii, 1678. A Petition of *Algernoon Sidney*, Esq; was read, 1678. setting forth, that he was duly elected to serve as a Burgess for the said Burrough of Guilford; but by several undue Practices, *Thomas Dalmaboy*, Esq; procured himself to be return'd, to the Prejudice of the Petitioner, and praying Relief in the Premisses was read and referred.

Die Lune 12 Decembris, 1698. A Petition of *John Weston*, Esq; setting forth, 1698. that *John Randyll*, Esq; and the Petitioner were chosen Burgesses to serve in this present Parliament for the said Burrough of Guilford, but the Mayor of Guilford hath return'd *Foot Onslow*, Esq; instead of the Petitioner, to his Prejudice, and praying the Consideration of the House in the Premisses, was read and referred.

Die Jovis 16 Novembris, 1699. A Petition of *John Weston*, Esq; complaining of 1699. an undue Election and Return for the said Burrough was presented to the House, and read and referred to the said Committee.

Comitatus de Hartford.

DIE Veneris 25 Aprilis, 1690. Resolved, That the Report from the Committee 1690. of Privileges and Elections touching the Double-Return and Election of Knights of the Shire for the said County, be made on Monday Morning next. But then, i. e. *Die Sabbati* 28 Aprilis, 'twas order'd to be on the Wednesday Morning following. And accordingly

Die Mercurii 30 Aprilis, 1690. Mr. Gray reported from the said Committee the Report: Case of the said Double-Return and Election, viz.

That the Question was, whether *Sir Charles Caesar* or *Ralph Freeman*, Esq; were duly return'd and elected to serve for that County; and the determining that Question depended on the allowing or not allowing the Voices of 73 Quakers, and agreed, that if the Quakers were allow'd to be good Voicees, then *Sir Charles Caesar* was, but if not allow'd, then Mr. *Freeman* was duly elected.

For with the Quakers the Poll was: For { *Sir Charles Caesar* 1415.
Mr. *Freeman* 1368.

That as to the Quakers the Case was this, all the other Freeholders that had polled had sworn themselves to have a Freehold of 40 s. per Annum, and were entred in the Poll-Book, and afterwards the Quakers came in a Body and deliver'd in a List of 73 Quakers with their Freeholds to one *Daniel Thomas*, who had a Deputation from the High-Sheriff to act in the said Election, but was not sworn; Mr. *Thomas* said, he polled the 73 Quakers, but calling over the List one of them was for Mr. *Freeman*, and the rest for *Sir Charles Caesar*, though the Noise was so great he could not hear them all answer to their Names when called over; that the Quakers refused to swear, but offered to give a Bond with Penalty of 4 or 5000 l. that all in that List were Freeholders; that *Daniel Thomas* knew two of them, and some others told him, they knew more of them to be Freeholders; and that the List of the Quakers was annexed by the High-Sheriff himself as part of the Poll.

The Council for *Sir Charles Caesar* did say they could prove, that the Quakers in the said List had Freeholds of 40 s. a Year, but were order'd to withdraw; and thereupon the Committee came to the Resolutions following, viz.

1. " That Quakers having a Freehold and refusing to take the Oath when tendred by the Sheriff, are incapable of giving their Votes for Knights of the Shire for that Reason.

2. " That *Ralph Freeman*, Esq; is duly return'd and elected a Knight of the Shire to serve in this present Parliament for the said County of Hartford.

Both which Resolutions being severally read a second time, were upon the Question severally put thereupon, agreed unto by the House. And

Q q

Order'd,

Order'd, That the Clerk of the Crown do attend this House to amend the Return for the said County; and he being at the Door was called in, and amended the Return at the Table, by taking off the File the Indenture by which Sir Charles Caesar was return'd one of the Knights of the Shire for the said County.

1695. *Die Luna 25 Novembris, 1695.* A Petition of Robert Cecill, Esquire; setting forth, that at the Election of Knights of the Shire for the County of Hartford to serve in this present Parliament; Sir Thomas Pope Blunt, Thomas Halfey, Ralph Freeman, Esquires, and the Petitioner stood as Candidates; that the Sheriff hath return'd Sir Thomas Pope Blunt and Mr. Halfey, though the Petitioner had a greater Number of legal Voices than Mr. Halfey which is return'd in wrong to the Petitioner; and praying the Consideration of the House, and Relief in the Premises, was read and referred to the Committee of Privileges and Elections.

Die Luna 13 Januarii, 1695. *Order'd*, That the Report from the said Committee, touching the said Election, be made upon Thursday Morning next. And accordingly

Report. *Die Jovis 16 Januarii, 1695.* Mr. Solicitor General reported from the said Committee the Case touching the said Election for the County of Hartford, viz.

Upon the Petition of Robert Cecill, Esq; complaining of an undue Election of Thomas Halfey, Esq; to serve for the said County. The Council on both sides being called in, Mr. Dyer the High-Sheriff for the said County produced the Poll, by which the Numbers appeared to be thus, viz.

For	{ Mr. Halfey ————	1428.
	{ Mr. Cecill ————	1412.

And Mr. Dyer said, that all who were polled were sworn; that they had a Freehold of 40s. a Year or upwards in the County of Hartford, and had not been polled before; and that the Candidates did all agree to the closing of the Poll.

That the Council for the Petitioner insisted, that many Persons were polled for Mr. Halfey that were not qualified to vote in that Election; and they called a Witness to disqualifie a Freeholder that voted for Mr. Halfey as having no Freehold.

Which Evidence was opposed by the Council for the sitting Member in respect of the Oath that had been taken by each Freeholder as aforesaid.

Whereupon the Council being withdrawn the Committee came to this Resolution, viz.

Resolved, " That it is the Opinion of this Committee, that Evidence ought not to be admitted to disqualifie an Elector as no Freeholder, who at the Election swore himself to be a Freeholder.

And the Council on both sides being again called in and acquainted with the said Resolution, the Petitioners did proceed to give Evidence of some Quakers who were Freeholders and demanded to be polled for the Petitioner, but were refused on account that they would not swear, and of others who would have polled for the Petitioner, but were kept out of the Place where the Poll was taken; but the Petitioner not pretending to prove above twelve Persons of either sort, which Number would not have made a majority upon the Poll. The Council for the Petitioner said, they would not further trouble the Committee, they being over-ruled by the Committee in their Exceptions to the sitting Members Voters which they chiefly rely'd upon.

And that the Committee upon the whole Matter came to this Resolution.

Resolved, " That it is the Opinion of this Committee, that Thomas Halfey, Esq; is duly elected a Knight to serve in this present Parliament for the County of Hartford.

The first Resolution being read a second time, and the Question being put, that the House do agree with the Committee in the said Resolution. " That Evidence ought not to be admitted to disqualifie an Elector as no Freeholder, who at the Election swore himself to be a Freeholder.

The House divided. The No's go forth:

Tellers	{ Mr. Gwyn ————	} Yea's 192.
	{ Mr. Blowfield ————	
Tellers	{ Sir Francis Molineux ————	} No's 130.
	{ Mr. Arnold ————	

So it passed in the Affirmative.

The second Resolution being read a second time. *Resolved*, that the House do agree with the Committee in the said Resolution; that Thomas Halfey, Esq; is duly elected, &c.

Burgus de Hartford.

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Die Veneris 3 Decembris, 1697. Order'd, That Mr. Speaker do issue his Warrant for a new Writ for electing a Knight to serve in this present Parliament for the said County, in the room of Sir Thomas Pope Blunt, Bar. deceased. 1697.

Burgus de Hartford in Com' HARTFORD.

In Great Domesday Book under the Title Hertfordshire is this Entry, viz. Burgum de Hertford pro 10 Hidis se defendebat Tempore Regis Edwardi, & modo non facit, ibi erant 146 Burgenfes in foca Regis Edwardi. Gr. Domesday, f. 132.^a

Alios 18 Burgenfes habet Rex Willielmus, qui fuere Homines Comitum Heraldii, & Comitum Leuvini, omnes Consuetudines reddunt.

And by an Extent of the Castle and Town of Hartford with the Appurtenances, made on Saturday in Easter Week (and still in being, inter Archivis villæ, under Seal) it appears, that the said Castle & Villæ were held of the King in Capite; and that the Bailiff and Under-Bailiff, and all other Officers were chosen every Year by the Community of the Town in the next Court after Michaelmas, and the Chief Bailiff was allow'd by the King 20s. every Year for a Gown or Livery, and the Porter of the Castle was put in by the King, and had of him for his Wages two Pence a Day. E. 3.

Note, Tho' the Returns of 26 E. 1. are generally without saying by whom elected, yet some are otherwise, as that for this Burrough which is thus, viz. Johannes de Weststreet de Hertford, & Simon Walle de eadem Electi, sunt duo Burgenfes per Comunitatem Burgenfium de Hertford, &c. with four Manucaptors each for their Appearance. 26 E. 1.

See in Prynne's fourth part of Parliament Writs, that this Town sent Burgesfes eighteen times at least, till 7 H. 5. But from that time for twenty Years sent none till the 22 Jacobi 1. though it was the Shire-Town. Prynne, fol. 1002.

D*IE Martis 25 Martii, 1690. A Petition of the Inhabitants of the said Burrough; setting forth, that it is a Burrough by Prescription, and before any Charter sent Members to Parliament, elected by the Inhabitants not taking Alms; that in the Year 1681, the Mayor and some of the Corporation granted Freedoms to great Numbers of Clergy-Men and others living remote, in order to out-weigh the Inhabitants and legal Voters of the said Burrough; and that at the last Election many of the Honorary Freemen were (notwithstanding Exceptions taken to them by the Inhabitants) admitted to poll by the present Mayor, by reason of which he hath return'd Sir William Cooper and Sir William Leman, when the Majority of such Inhabitants were for Sir Thomas Byde, whereby the Petitioners are unduly represented and are like to lose their antient Privileges of electing Representatives to serve in this present Parliament; and praying that the said undue Returns may be taken into Consideration; read and referred to the Committee of Privileges and Elections.* 1690.

Burgus de Harwich in Com' ESSEX.

Note, It appears by Sir Simon D'ews Journal, folio 628. That this Burrough returned no Burgesfes to Parliament, till the 43d Year of Queen Elizabeth.

D*IE Jovis 27 Martii, 1690. A Petition of Sir Philip Parker Baronet, setting forth, that the Petitioner and Sir Thomas Middleton were duly elected for the said Burrough, notwithstanding many indirect Practices were used by the Mayor there to prevent the Petitioner's Election; who, in prejudice to, and in stead of the Petitioner, hath returned the Lord Viscount Chenie to serve for the said Burrough, and praying the Consideration of the House; read and referred.* 1690.

Die Martis 18 Novembris, 1690. The Lord Chenie being elected a Burgess to serve in this present Parliament for the Burrough of Newport in the County of Cornwall, and also for the Burrough of Harwich in the County of Essex, and making his Election to serve for the Burrough of Harwich.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for making a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough of Newport, in the room of the said Lord Chenie.

Die

1698. *Die Martis 14 Febr.* 1698. Mr. Atkinson, a Member for this Burrough, attending (according to order) he was heard in his place, and then withdrew.

And a Motion being made, and the Question being put, That *Samuel Atkinson Esq;* being a Member of the House of Commons, and having since been concerned, and acted as a Commissioner and Manager upon the Act made in the ninth and tenth Years of his Majesty's Reign for licensing Hawkers and Pedlers, for a further Provision of Interest for the Transport-Debt for reducing of *Ireland*; contrary to the Act made in the fifth and sixth Years of his Majesty's Reign, for granting several Duties upon Salt, Beer, Ale, and other Liquors, be expelled this House.

The House divided. The No's go forth:

Tellers	{ <i>Sir Godfry Copley</i>	} Yea's 158.
	<i>Mr. Shackerly</i>	
Tellers	{ <i>Mr. Sloan</i>	} No's 112.
	<i>Mr. Clayton</i>	

So it was resolved in the Affirmative.

Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgess to serve in this present Parliament for the said Burrough, in the room of *Samuel Atkinson* expelled this House.

Burgus de Haslemere in Com' SURREY.

1698. *DIE Luna 12 Decembris*, 1698. A Petition of *George Rodney Bridges Esq;* setting forth, That the Petitioner stood as one of the Candidates for the said Burrough, to serve as a Burgess in this present Parliament, and was duly elected, as he conceives, by the majority of legal Voters; but in prejudice of the Petitioner's Right, *Sir Theophilus Oglethorp* was returned as duly elected, the contrary whereof the Petitioner doubts not to make appear; and praying, that his Cause relating to the said Election may be heard, and that he may be relieved according to the Merits thereof; was read, and referred to the Committee.

Die Martis 7 Februarii, 1698. Ordered, That the Report from the said Committee touching the Election for the Burrough of *Haslemere* in the County of *Surrey*, and for the Burrough of *Ludgershall* in the County of *Wilts*, be made upon *Thursday* morning next. And accordingly,

Report. *Die Jovis 9 Februarii*, 1698. *Sir Rowland Gwyn* reported from the said Committee the matter, as it appeared to them, touching the Election for the said Burrough of *Haslemere*, and the Resolutions of the Committee thereupon, which he read, &c. and are as follow, viz.

Upon the Petition of *George Rodney Bridges Esq;* complaining of an undue Return of *Sir Theophilus Oglethorp* Knight, to serve for the said Burrough.

That upon the Poll there was	{ For Mr. <i>Vernon</i> —————	33
	{ For Sir <i>Theophilus Oglethorp</i> ———	22
	{ For Mr. <i>Bridges</i> —————	12

But the Petitioner's Council insisted,

That several Persons were polled for *Sir Theophilus*, that had no right, and that several of his Votes were procured by Gifts and Promises.

That the right of Election was agreed to be in the Freeholders resident within the Burrough.

That as to the Persons that had no right to poll, they called

William Captain and *Robert Billingshurst*, who said, that *Edmond Upton* had no Freehold in the Burrough, but in right of his Wife; but that he had voted in former Elections.

John Tanner said, that *William Jackson* had only a small piece of Garden, of two or three Rod; but he said, the Garden had been divided nine or ten Years, and *Jackson* had voted before.

Robert Billingshurst said, that *John Carter sen.* and *John Carter jun.* had but 20 s. a Year between them; and *Carter junior's* part was but two or three Yards over in the inside, not worth above 2 or 3 s. a Year; but both *Carter's* had voted at a former Election for Mr. *Bridges* and Mr. *Woodrooffe*.

Mr. *Tanner* and Mr. *Marks* said, that *Richard Valler sen.* has a Garden, called a Cabbage-Garden, about two or three Rod of Ground, out of which he made his Sons, *Richard* and *Thomas*, Freeholders about 20 Years ago; and that the Father and *Richard* polled at the last Election.

William Morley said, that *Edward Ryde* and *Matthew Hull* bought the House where-
in he the said *Morley* liveth, and had several Interests; that he could not say when
they bought the House, but they took possession the Day the Writ was proclaimed.

William Marks said, that *Ryde* and *Hull's* House was drawn within the Bounds of
the Burrough by *Gresham*, and *Sir William Moore*, which *Sir William Moore* died about
14 Years ago.

That he also testified, that *Robert Ryde* had only part of a Field within the Bur-
rough, and was not a settled Housekeeper within the Burrough; but did acknowledge
that *Robert Ryde* rented a Shop within the Burrough.

William Captain said, that *William Ryde* did agree with him for the Tithes of the
Fields, supposed to be in *Robert Ryde's* possession.

That as to the Gifts and Promises, they called

Eliz. Downes, who said, that she going by *Carter* the Elder's door before the Ele-
ction, she saw *Sir Theoph. Oglethorp* discoursing with *Carter's* Wife in the House, and
Sir Theophilus desired her Husband's Vote: Whereupon she answering, she should an-
ger her Friends. *Sir Theophilus* reply'd, Mother, never fear, you shall never want.

That it was opened by the Council, that *Sir Theophilus* had paid 122 l. 18 s. 3 d.
upon a Decree in Chancery, wherein *Ryde* and *Baxter* and *Waller* were Plaintiffs to
procure Votes, but the same was not made out.

That then the Petitioner's Council called

Eliz. Tudman, who said, *Sir Theophilus* last Godlyman Fair gave her and *Goodman Shud's*
Daughter each of them a Straw Hat, and said, he hoped they would be his Friends,
and their Fathers gave him their Votes; and *Sir Theophilus* then told her, a great ma-
ny had promised him their Votes.

That her Father voted for the Petitioner, and *Shud's* Father for *Sir Theophilus*.

Tho. Tudman said, that he and his Brother divided a Cow between them, which his
Brother had of *Sir Theophilus*, who was to have Beef for it again; that he sent *Sir Theo-
philus* six Stone of Beef, and his Brother had the rest; but what he did with it, he
did not know.

That the Council for *Sir Theoph. Oglethorp* said, they were ready to have made
their defence, but did not suppose the Evidence given for the Petitioner required any
answer.

Whereupon the Committee came to these Resolutions as their Opinion, viz.

1. "That *Sir Theoph. Oglethorp* Knight is duly elected a Burgess to serve in this pre-
sent Parliament for the said Burrough of *Haslemere*.
2. "That the Petition of *George Rodney Bridges* Esq; against *Sir Theoph. Oglethorp*
is frivolous and vexatious.

The second Resolution being read a second time, and the Question put, That the
House do agree with the Committee in the said Resolution.

Resolved, That the House do agree with the Committee in the said Resolution, &c.

The second Resolution being read a second time, and the Question put, That the
House do agree with the Committee in the said Resolution.

The House divided. No's go forth:

Tellers { *Mr. Perry*
 { *Mr. Freeman* } Yea's 154.

Tellers { *Lord Powlet*
 { *Mr. Ogle* } No's 139.

So it was Resolved in the Affirmative.

Portus de Hastings unus Quinque-Portuum.

DIE Luna 4 Novemb. 1689. A Petition of *Peter Gott* Esq; shewing, That upon 1689.
the Vacancy of a Baron for the said Port, the Petitioner stood Candidate to be
elected there, and was accordingly chosen by several of the Electors, and would have
been by more, had due notice been given, and fair usage had, and that He ought to
have been returned; But *Coll. Beamont*, being Governour, or Lieutenant to the Gover-
nour of *Dover-Castle*, to whom the Writ was directed, hath returned himself, though
not regularly chosen, being the Officer who had the Execution of the Writ: Whereby,
and by several other irregular Proceedings, he conceives the said *Coll. Beamont* ought
not to serve as a Baron for the said Port, but the Petitioner, and praying Considera-
tion and Relief. Ordered to be referred to the Committee of Privileges and Elections.

Die Mercurii 8 Jan. 1689. Ordered, That the Report from the Committee touch-
ing the said Election be made on Saturday morning next. And then Ordered to be on
the Friday following.

R r

Die

Report.

Die Veneris 17 Januarii, 1689. Mr. Gray reported the Case of the said Election, That the Petitioner's Council insisted, there had not been due notice given of the Time of the Election; and that Violence had been offered to several Voters for the Petitioner, whereby many Persons who would have voted for him were hindred from voting. And submitted to the Judgment of the Committee, whether Coll. *Beamont*, being Governour of *Dover-Castle*, could be returned a Member for the Port of *Hastings*.

Upon the Poll { Coll. *Beamont* had — 35 } Voices.
 { Mr. *Gott* had — 32 }

And it appeared by the Order of the Mayor on *Thursday* Morning eight a Clock, that the Officer was to give notice of the Election to be the next Morning at nine.

And *Mark Sargent* testified, that they used to give three or four Days notice of Elections; and that he being 20 or 30 Miles distant, had no notice till the Election was over; but had there been two or three day's notice, he should have been there, and would have voted for Mr. *Gott*.

W. Jenner said, he was threaten'd to be kill'd if he did not vote for Coll. *Beamont*; and that the Church-door was shut, and he hindred from getting in, having design'd to vote for Mr. *Gott*.

T. Lovell acknowledged, that when he was Mayor, notice was given of an Election to be the following Day; but said, the Rabble told him as he was going into the Church, that if he voted for Mr. *Gott* they would kill him as he came out, and feared Murther would have been, had the Poll gone on Mr. *Gott*'s side.

Tho. Carswell said, he was threaten'd as he went to the Church, and had ill Language when he got in; and that he saw one who was for Mr. *Gott* assaulted by *Mark Bayly* and Another.

Rich. Carswell said, that being about to let in *W. Jenner* into the Church, *John Stevens* threaten'd to kill him if he did, and called him one of *Gott*'s Rogues; and being asked for whom he had voted, and answering for Mr. *Gott*, one struck him twice on the Breast. And *E. Bates* said, he saw *R. Carswell* struck, and heard one *Sargent* threaten'd, if he did not vote for Coll. *Beamont* they would cut his Nets.

Ja. Bosam said, he came to vote for Mr. *Gott*, but did not; there being such a Tumult in the Church, that he could not hear himself called.

Tho. Garr said, that *Lowe* told him, he had 5 *l.* to vote for the Governour.

Rich. Sargent said, he voted for the Governour, because he was threaten'd if he did not to have his Nets pull'd to pieces; and that after the Election the Mayor and Jurats sent him 10 *l.* and ordered him to tell no Body.

For the fitting Member 'twas insisted, that there was due notice of the Election; and if any Disturbance was by the Rabble, 'twas without the privy of the fitting Member. And *James Marsh* the Serjeant at Arms of *Dover-Castle* said, he was sent to *Hastings* to give 'em notice, that the Governor was coming to settle the Militia, and to go to the Election; and that he came to *Hastings* on *Tuesday* before the Election, and gave the Mayor notice of it, and told Mr. *Lovell* to that effect.

John Hyde the Mayor acknowledged, *Marsh* had acquainted him as he had said; and that he then called Mr. *Lovell* aside, and desired him to acquaint Mr. *Gott* with it; and said, the constant notice had been at 24 hours; that Mr. *Gott* was in Town *Thursday* night before Mr. *Beamont* came; that no Freeman were kept out, that he knows of; but he gave orders, that none but Freeman should come in; and if any Disturbance was, it was not near the Poll.

And also said, that 'tis a Custom of the Port, that if any Members live out of the Town a Year and a Day, and doth not pay Scot and Lot, he has no Vote; and that Mr. *Dyne*, who voted for Mr. *Gott*, tho' he be Recorder, never lived in Town, and had no right to vote.

And several others testified, that the Election was very fair and quiet; that Coll. *Beamont* sent several Days before to publish his Intentions of standing a Candidate, and that *Bosam* voted for him.

Thresher said, that notice was given to the Freeman the Day before the Election, and that 'tis customarily so; and that all the Freeman of the Town, but one *Bedridd*, were present; that after the Governour was elected, he left 10 *l.* to be given to poor Seamen; and that *Tho. Carlton jun.* voted for Coll. *Beamont*. But,

Lovell said, he heard *Carlton* confess he had been a Year and a Quarter out of Town.

Peter Fyat said, Mr. *Gott* bowed and gave Joy to Coll. *Beamont* of his Election, and that he never desir'd to be return'd; and *Hartshorn* said, the Election was very fair, and that they did not proceed upon the Poll till the Rabble was qualified.

And upon the whole, the Committee resolved, as their Opinion.

“ That

" That Coll. *Beaumont* was duly elected a Baron to serve in this present Parliament for the said Port of *Hastings*.

To which the House on a Division agreed, Yea's 152. No's 148.

Die Martis 1 Aprilis, 1690. A Petition of *Tho. Manns, Esq;* setting forth, that he was duly elected to serve in this Parliament for the said Port and Town of *Hastings*; but that *John Beaumont, Esq;* being Governour of *Dover-Castle* pretends to have a Power of the several *Cinque-Ports*, and wrote several mandatory Letters to the Mayor and chief Officers of the several *Cinque Ports*, requiring them not to engage their Vote for any particular Person, for that his Majesty would recommend to them such Persons as he should think convenient for them to choose, and by several Menaces and Threats procured many of the Electors to vote for him, and prevail'd with the Mayor to return him though not legally chosen. 1690.

Die Luna 12 Decembris, 1698. A Petition of *Rob. Austin, Esq;* setting forth, that *John Poultney, Esq;* and the Petitioner were duly elected Members to serve in this present Parliament for the said Port of *Hastings*, but the Mayor hath return'd *Peter Gott, Esquire* instead of the Petitioner to his manifest Injury; and praying the House to take the Matter into Consideration, was read and referred. 1698.

Die Mercurii 18 Januarii, 1698. Order'd, That the Report from the said Committee, touching the Election for the Port of *Hastings*, be made upon *Fryday Morning* next. 1698.

Die Veneris 30 Januarii, 1698. Sir *Rowland Gwyn* reported from the said Committee the Matter as it appeared touching the Election for the Port of *Hastings*, and the Resolutions of the Committee thereupon, viz. upon the Petition of Sir *Rob. Austin*, complaining of an undue Return of *Pet. Gott, Esq;* to serve for the said Port of *Hastings*. Report.

That the Question depending upon the Majority of qualified Votes; that upon the Poll the Numbers were,

For { *Mr. Gott* ——— 34 besides the Mayor.
The Petitioner — 35 with himself.

That as to the Right of Election the Petitioner's Council insisted, that the Right was in the Mayor, Jurats and Freemen resient that Watch and Ward, and called

Mr. John Hyde, who came to *Hastings* in 1660. and had been four times Mayor, and *Mr. Philip Lovell*, who had been Mayor 20 Years ago; and they said they had known several Elections, and that the Right was in the Mayor, Jurats and Freeman, living within the Corporation, and that they never knew any Vote that were not resient, or did not do the Service to the Town, and Watch and Ward; and instanced in Sir *Robert Parker*, who though he had been a Parliament Man, and consequently as such must have been a Freeman, yet was refused his Vote as not resient, and paying to Watch and Ward.

That then the Petitioner's Council proceeded to their Exceptions to *Mr. Gott's* Voters. And

Mr. Lovell said, that *Mr. Poultney* did not pay to Watch and Ward, but his Vote was consented to by the majority of the Assembly, though some privately muttered against it.

Tho. Winter, who said, that *Andrew Skeech* went to Sea, and left *Hastings* for above two Years before the Election, and had done no Duty during that time; that he did not come into the Corporation till the 15th of *May* last; that his Goods had been attach'd, and the Doors of the House where he did live shut up; but some Terms having been made the Goods were not removed; that his Family was at *London*, except a Daughter who lived with a Brother-in-law, yet he could not say there was any Exception to his Vote at the time of the Election.

Richard Waller delivered in the Town-Book, by which it appeared, that ——— *Carswell* was (for Words by him spoken, reflecting upon the Corporation) disfranchised the 22d of *September, 1695.* and being asked if he knew of any other disfranchised, he said, that he himself was disfranchised in order to be a Witness, and that afterwards being re-admitted he was sworn again; and that there was another disfranchised about 100 years ago; and that *Adam Delfey* was refused to vote for *Mr. Gott*, for that he lived at *London*.

The Petitioner's Council also insisted, that the Mayor had given two Votes for *Mr. Gott*, and against that they produced a Resolution of this House in a controverted Election between Sir *Francis Rolls* and *Mr. Palmer* the 7th of *December, 1669.* in which Case it was an Exception, that the Mayor had voted twice, once by which he made

the Votes of the Candidates even, and afterwards gave a casting Vote. But note, *By the Journal it does not clearly appear what Opinion the House was of in that Case.*

That the Council for the sitting Member agreed, that the Right of Election was in Mayor, Jurats and Freeman; but deny'd that it was requisite that they should be resient or charged to Watch and Ward, and agreed the Poll to be *ut supra*. And insisted that they would justifie all Mr. Gott's Votes, and take off one or more from the Petitioner, and called Mr. Waller, who said, he knew Adam Delfey, that he was admitted a Freeman in 1696. and has constantly paid the Duties of the Town as much as any other, and that the Seamen when at Sea hire others to Watch and Ward for them.

That And. Skeech had a House in *Hastings* of his own, but it is mortgag'd, and that his Family had been resient in Town all the time except two Months or a little more; that he has seen the Doors open and his Child playing about the Door; that Skeech was in the Poor's Book, but petition'd off his paying, in regard he was taken by the French, and of his great Losses.

That Mr. Hyde being Mayor he was order'd to enter Mr. Carswell upon the Freeman's List, and they produced his Re-admittance the 12th of July, 1697. and the said Carswell had voted in the Assembly ever since, and particularly at the Election of the present Mayor, and at the chusing of a Common Serjeant since that, but was not sworn to his Re-admittance.

Mr. Tho. Lovell said, that Skeech had been out of Town sometimes, but his Family remain'd in Town, and that he had a House there all the time, and that he had not been an Inhabitant of any other Place, but had been at Sea. And.

That John Gregg, who voted for the Petitioner had received weekly Alms of the Parish for about two Years and bears a Badge; that Freeman if they have been absent two Years upon their Occasions, when they return act as Freeman without being sworn again.

That he himself had been Mayor six times, and had voted when Mayor, and never knew the Mayor's Vote deny'd, nor was it excepted to at this Election.

That he could not speak as to Parliament Men, but in the Case of Town-Clerk and other Town-Officers; if the Mayor by his Vote do first make the Numbers equal, he has afterwards a casting Voice, and particularly said, Capt. Hyde did it 22 Years ago in the Case of a Town-Clerk, and that Mr. Man's Election was carried by Sir Henry Parker's Vote; that Mr. Gott had voted so, and that Mr. Poultney's Vote was not spoke against by the Mayor, Jurats or any body else.

Mr. Rob. Phipps said, that if Freeman are absent and return again, they have the Benefit of their Freedom; and that Skeech did return to *Hastings* two or three Months before the Election, and is now in the Poor's Rate; that Skeech's Children were there in his Absence, and that in their Corporation they did conceive the Mayor, besides a single Voice, if that did make it equal, had a casting Voice. And

Mr. Delfey himself being examin'd said, when he came to Town Mr. Lough asked him to vote for Coll. Austin, and he did believe Mr. Lough to be a great Agent for Coll. Austin, but he told Mr. Lough he did intend to vote for Mr. Gott.

That when he was made free it was by the Consent of the whole Bench, and they ask'd him what House he would be summon'd at, and bid him agree with the Town-Serjeant to Watch and Ward for him, which accordingly he did, and has paid to Watch and Ward as long as any other Freeman; that he offer'd to vote for Mr. Poultney and Mr. Gott, but was refused as a Delinquent, though when he was made free he was told he should not be so reckon'd; but Mr. Delfey acknowledg'd he had not been at *Hastings* for two Years before.

That it appear'd to the Committee, that Mr. Poultney, Mr. Gott and Mr. Austin were in the same Circumstances as to their Freedom, having none of them Houses in the Town, nor paying to Watch and Ward.

Vide East-Grinstead.

That Mr. Austin's Council insisted, that Mr. Conyers voted for himself in *East Grinstead* Election in 1694. But the Report was not read to the Committee.

Winter on behalf of Mr. Austin said, that Gregg did Watch and Ward in his own behalf, and vote in the Election of Mayor and other Town-Officers.

And that upon the whole Matter the Committee came to these Resolutions, as their Opinion, *viz.*

1. "That the Right of Election of Members of Parliament for the said Port of *Hastings* in the County of *Sussex* is in the Mayor, Jurats and Freeman resient, and not receiving Alms, only.

2. "That Peter Gott, Esq; is duly elected a Baron to serve in this present Parliament for the said Port of *Hastings*.

Which Resolutions being severally read a second time, were upon the Question severally put thereupon, agreed unto by the House.

Villa & Comitatus de Haverford West in Com' PEMBROKE.

DIE Mercurii 19 Martii, 1678. A Petition of *Tho. Owen*, Esq; complaining of an undue Return of *William Wogan*, Esq; to serve as a Burgess for the Town and County of *Haverford West*, in Injury of the Petitioner who was duly elected, and ought to have been return'd, was read and referred. Also 1678.

Die Martis 25 Martii, 1678. A Petition of *John Bowen*, Sheriff of the County of *Haverford West* in the County of *Pembroke*, complaining of undue and illegal Practices of one *Edw. Hughes* in the electing and returning of *Will. Wogan*, Esq; to serve for the said Town and County; read and referred. But nothing done further upon either of these Petitions this Parliament.

Burgus de Helstone in Com' CORNWAL.

In the second Year of King John a Charter was granted to the said Burrough in these Words, viz. Johannes Dei Gratia, &c. Sciatis nos concessisse & presenti Charta nostra confirmasse, quod Burgus noster de Helstone, sit liber Burgus, & quod Burghenses nostri de eadem Villa habeant Gildam Mercatoriam, & quietanciam per totam Terram nostram de Theoloneo, Pontagio, Passagio, Stallagio, Lestagio & Sollagio, Salvis in omnibus libertatibus Civitatis London. Concedimus etiam eis quod non placent nisi infra Burgum suum de Rebus vel Tenuris pertinentibus, ad Villam suam præterquam de placitis ad Coronam nostram pertinentibus & placitis de forinsecis. Volumus etiam quod habeant omnes alias Libertates & Liberas Consuetudines, quas habuerunt Burghenses nostri de Castello de Lancelton tempore Regis Henrici Patris Nostri. Ita quod nullus Burghensium predictorum, nisi residens fuerit in predicta villa has habeat Libertates. His Testibus. W. Comite Sarum, W. Briwer, Roberto de Turnham, Roberto de Tresgos, Sim. de Pateshul, Radulpho de Stoke, Eustachio de Farnberge. Data per Manum, S. Wellens. Archidiaconi apud Craneburn, 15 Die Aprilis, Anno Regni nostri secundo. Rot. Cart. 2 Johan. No. 47.

In the 7 E. 4. the Indenture of Return for the said Burrough of Helstone, runs thus, 7 E. 4. viz. Hac Indentura facta apud Helston Burgus, &c. inter Johannem Colshill, Militem Vicecomitem Com' Cornubiæ predicti. ex parte una, & Richardum Lanargh, Majorem Burgi predicti, Johannem Emmont, & Johannem Harry Richbowe, Ballivos ejusdem, & Henricum Gellyot, & omnes alios Comburchenses suos Burgi predicti ex parte altera, Testatur quod iidem Richardus Lanargh, Johannes Emmont, Richardus Harry Richbowe, & omnes alii Comburchenses sui unanimi assensu, & consensu eligerunt, Edwardum Gower, & Willielmum Stavely. Burghenses ad essendum ad Parliamentum, &c.

DIE Mercurii 2 Aprilis, 1690. A Petition of *Sir Rich. Hoblin*, Kt. setting forth, that he was duly elected by the Majority of legal Voices for the said Burrough, yet the Mayor of the same hath refused to accept of the Indenture sign'd by the said Electors, or to Return the Petitioner, and praying the Consideration of the House, and Relief in the Premises, was read and referred to the Committee. 1790.

Comitatus de Hereford.

It is to be noted, That in most of the Returns to Parliament, 26 E. 1. which are the 26 E. 1. most antient Returns now Extant, the Knights, Citizens and Burgesses are only named with their Manucaptors or Sureties in the Dorse of the Writ, without mentioning how or by whom the Election was made.

Thus the Return for the County of Hereford has only the Names duorum Militum pro eodem Comitatu, with each of them four Manucaptors therein named. Whereas Citizens and Burgesses generally had only two Manucaptors each. But see Burgess de Hartford four Manucaptors each.

DIE Mercurii 11 Jan. 1692. Being the 4th Session of the six years Parliament of *K. William*. Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Knight of the Shire to serve in this present Parliament for the said County of *Hereford*, in the room of *Sir John Morgan*, Kt. deceased. 1692.

S f

Civitas

Civitas de Hereford.

26 E. 1. *Most of the Returns to Parliament of 26 E. 1. (which are the first Returns now to be found) are general without mentioning how, or by whom elected, as for this City thus. Nomina duorum Civium Civitatis Hereford, sunt in Cedula, huic Brevi annexa.*

1699. **D**IE Lune 27 Novembris, 1699. Order'd, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Citizen to serve in this present Parliament for the City of Hereford, in the room of Paul Foley, Esq; deceased.

Burgus de Heydon in Com' YORK.

Rot. Parl. 4 E. 1. M. 7. *By Rot. Parl. 4 E. 1. Membran 7. in Cedula, it appears, that this Town was convey'd or pass'd to the said King by way of Exchange. And therefore at that Time could be no Burrough.*

1695. **D**IE Mercurii 27 Novembris, 1695. Sir Will. Trumball being elected a Burgess for the University of Oxford, and also for the Burrough of Heydon in the County of York, made his Election to serve for the University of Oxford. Also

The Lord Spencer being elected a Burgess for the Burrough of Tiverton in the County of Devon, and also for the Burrough of Heydon in the County of York, made his Election to serve for the said Burrough of Tiverton.

Order'd, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing two Burgesses to serve in this present Parliament for the said Burrough of Heydon, in the room of the said Sir William Trumball and the Lord Spencer.

Villa de Higham Ferrers in Com' NORTHAMPTON.

Rot. Parl.
38 H. 6.
num. 38.
2 & 3 P. &
M. Pars. 8.
in Capella
Rotul.

By the Parliament Rolls of 38 H. 6. it appears, that this was then the King's Manor and no Burrough.

In the 2d and 3d of Philip and Mary a Patent was granted to this Town, which runs thus, viz. Concedimus Inhabitantibus ville de Higham Ferrers, quod dicta villa five Burgus de H. F. de cetero fit & erit Liber Burgus corporatus in Re, Facto & Nomine in perpetuum de uno Majore, septem Aldermanis, & tredecem Burgenfibus Burgi & Parochiæ de H. F. Ac quod Major, Aldermani & Burgenfes Burgi & Parochiæ predicti sint & erunt Corpus Corporatum & Politicum & una Comunitas perpetua de se, in Re facto & Nomine in perpetuum, per Nomen Majoris, Aldermanorum & Burgenfium Burgi, & Parochiæ de H. F. Et quod habeant perpetuum Successionem, &c. as in Banbury Charter; and then orders that Seven of the best, most noble and discreet Inhabitants should be called Aldermen, and Thirteen more of the like Inhabitants should be called Capital Burgesses; and that the said Mayor, Aldermen and Burgesses should be the Common Council of the said Burrough and Town, to transact all Things belonging to it, and then gives the Mayor, Aldermen and Burgesses only, Power and Authority to choose one Burgess for Parliament, &c. Ad onera & Cultagia dicti Burgi Parochiæ & Comunitatis ejusdem, &c.

1678. **D**IE Mercurii 19 Martii, 1678. A Petition of Sir Lewis Palmer, Baronet, complaining of an undue Return of Sir Rice Rudd, Baronet to serve as a Burgess for the Burrough of Higham Ferrers in the County of Northampton, in Injury of the Petitioner, who was duly elected, and ought to have been return'd, was read and referred. *Sed nil ultra.*

Burgus de Hindon in Com' WILTS.

DIE Martis 31 Martii, 1691. Ordered, That Mr. Speaker do issue his Warrant 1691.
to the Clerk of the Crown to make out a new Writ for electing a Burgess to
serve in this present Parliament for the said Burrough of Hindon.

Die Veneris 3 Decembris, 1697. The like Order for a new Writ to elect another 1697.
Member in the room of Sir Charles Morley Knight, deceased.

Die Martis 1 Januarii, 1697. A Petition of Reynold Calthorp Esq; setting forth,
That a Writ being directed to the Bailiff of Hindon in the County of Wilts, to choose
a Parliament-man for that place, one Sir James How pretended to stand, and spent a
great deal of Money in Treats; but at the time of the Election set up Coll. Lee,
whom the said Bailiff hath returned, though the Petitioner had the majority of legal
Votes, and praying relief therein; was read and referred to the Committee.

And see afterwards, viz.

Die Martis 4 Jan. 1697. Another Petition of Reynold Calthorp Esq; presented to
the House and read, complaining of an undue Election for the said Burrough of Hin-
don, which was also referred. But,

Die Martis 1 Febr. 1697. Ordered, That Mr. Calthorp have leave to withdraw his
Petitions touching the Election for the said Burrough.

Die Luna 12 Decemb. 1698. A Petition of Rob. Hyde and George Morley Esquires, 1698.
setting forth, That the Petitioners, Sir James How and Reynold Calthorp and others,
stood Candidates at the Election of Burgesses to serve in this present Parliament for
the said Burrough; and the said Sir James How and Mr. Calthorp, by several indirect
and unlawful Practices, at and before the Election, procured many Voices in prejudice
to the Petitioner's Right, who otherwise would have been chosen, and ought to have
been returned; and praying such relief in the Premises as the House shall think fit;
was read and referred.

Burgus de Horsham in Com' SUSSEX.

THE Burrough of Horsham is held of the Duke of Norfolk; as Lord thereof. The
House or Land that pays twelve-pence a Year to the Duke, is called a whole
Burgeship; but these Tenancies have been splitted into such small parts, that he who
has only so much Land, or part of a House, as pays two-pence a Year, is now by
Custom intituled to vote for Members to serve in Parliament. But it is the Tenant of
the Freehold, tho' not Resident in the Place, or Occupier of the House or Land, that
has the right to vote.

Note, Two Bailiffs are chosen annually at Michaelmas in the Court-Leet, held by
the Duke's Steward there, and they are the principal Officers that return the Members
to serve in Parliament; and all Alienations, or Alterations of Tenure, must be pre-
sented at the said Court-Leet: For tho' at other places in that County, as at Midhurst
(held of the Viscount Mountague) and East-Grinstead (held of the Lord Dorset) they
are admitted to vote from their Deeds and Evidences they produce at the Election;
yet here none are admitted to poll, but those whose Right to be a Burgess is found
by the Homage: Nor will they admit Tenants, *pur auter vie*, to be Freeholders, or
to have a Vote in electing Members to Parliament for the said Burrough.

Comitatus de Huntingdon.

DIE Luna 11 Decemb. 1693. being the fifth Session of the six Years Parliament. 1693.
Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to
make out a new Writ for electing a Knight of the Shire to serve in this present Par-
liament for the said County of Huntingdon, in the room of the Honourable Rob.
Montague Esq; deceased.

Burgus

Burgus de Huntingdon in Com' HUNTS.

Vide ibid.
fol. 253.
* A Ferling
then con-
tain'd about
32 Acres.

In Domesday-Book, Title Huntedunescire, is this Entry, viz. In Burgo Huntedone sunt 4 * Ferlingis; In duobus eorum Tempore Regis Edvardi fuerunt, & modo sunt 116 Burgenfes, Consuetudines omnes & Geldum Regis reddentes; Et sub eis sunt 100 Bordarii qui adjuvant eos ad persolutionem Geldi præd'. De his Burgenfibus habuit sanctus Benedictus de Ramesyg (i. e. *they Abbey of Ramsey*) 10, cum Saca & Soca & omnia Consuetudine tantum modo Geldabantur Tempore Regis Edvardi. Hos Eustachius per vim abstulit de abbathia & sunt modo cum ceteris manu Regis—Ullf Fenisc' habebat 18 Burgenfes modo habet Gislebertus de Gand, cum Saca & Soca præter Geldum Regis, (i. e. *with Jurisdiction and Protection Money, except the King's Tax.*)

And the Book further shews who had been Proprietors in those two Ferlings, and what Houses were pull'd down to build a Castle there: And then adds, In aliis duobus Ferlingis fuere & sunt 140 Burgenfes, ad omnes Consuetudines, & ad Geldum Regis; Et isti habebant 80 Hagas, (i. e. *Houses*) pro quibus Dabant & Dant omnes Consuetudines; De his habebat sanctus Benedictus de Ramsyg 22. Duo ex his fuere quieti ab omnibus Consuetudinibus, Et 30 reddidere quisq; 10 Denar' per Annum.

Rot. Parl.
8 Ed. 2.
Nº. 235.

Among the Parliament-Rolls, 8 Ed. 2. is this Entry of a Petition and Answer, viz. Ad Petitionem Communitatis Villæ de Huntingdon, & Simonis de Broughton Magistri Hospitalis Sⁱ Johannis de Huntingdon Suggestentium Regi. Quod licet idem Simon jam per 20 Annos & amplius Magister prædicti Hosp. extitisset, & ad Episcopum istius Locī per Communitatem prædict. præsentatus & ad ipsorum, Præsentationem in dicto Hospitali prout Predecessores ejusdem præsentati semper hætenus extiterunt, Institutus fuisset W. de Langelee, nihilominus Domino Edvardo Regi nunc dedit intelligi. Non est diu quod dictum Hospitium vacabat. Quodque Præsentatio ejusdem ad Regem pertinuit; per quod idem W. de L. versus Communitatem & Magistrum prædict. diversa Brevia de Quare Imped. ad certos dies coram Justic. Domini Regis de Banco retornabilia nomine Regio impetravit, ad quos dies idem W. usque Finem Terminis, ut ipsius Communitatem & Magistrum vexaret inde indebite & gravaret, se Voluntarie & Malitiose absentavit; In ipsorum Communitatis & Magistri Damnum, &c. unde petunt, &c. Responsum est per Concilium, viz. Mandetur Justiciariis coram quibus Loquela ista pendet; Quod procedant indilate eo non obstante, quod W. de Langelee qui sequitur pro Rege se per Maliciam sic absentat' quia Rex non vult quod per hujusmodi Maliciam Justicia deferatur.

7 & 12 E. 4. By the Returns for this Burrough in 7 & 12 E. 4. it appears, that Elections there were made by 12 Persons only, there being no Assent or Authority from or by any other Persons mention'd in the Returns of either.

1678. DIE Sabbati 22 Martii, 1678. A Petition of Sir Lyonel Walden, setting forth, That he was well elected to serve in this present Parliament for the Burrough of Huntingdon; but by undue and illegal Practices, Mr. Sidney Wortley had procured himself to be returned for the said Burrough; was read and referred. But nothing further done this Parliament.

1697. Die Veneris 3 Decembris, 1697. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for making out a new Writ for electing another Burgess to serve in this present Parliament for the said Burrough, in the room of Richard Montague Esq; deceased.

Portus de Hythe Unus de Quinque-Portubus.

1675. DIE Mercurii 26 Aprilis, 1675. Sir Thomas Meers reported from the Committee of Privileges and Elections the Case of the Election for the said Port of Hythe, and a Vote of the said Committee thereupon, viz.

"Resolved by the said Committee as their Opinion, That Sir Lyonel Jenkins is duly elected to serve in this present Parliament for the said Port of Hythe.

Which Report and Vote being delivered in at the Clerks Table.

"Resolved, *nemine contradicente*, That this House doth agree with the Committee in the said Resolution, That Sir Lyonel Jenkins is duly elected to serve in this present Parliament for the said Port of Hythe.

Burgus de Ilcester in Com' SOMERSET.

In Great Domesday Book under Title Sumerfete is this Entry, viz. In Givelcester, (i. e. Ilcester) sunt 107 Burgenfes reddentes 20 Solidos, Mercatum cum suis appendicibus reddat 11 Libras. Great Domesd. fol. 86. b.

DIE Mercurii 19 Martii 1678. A Petition of Edward Philipps and Robert Hunt Esqs, complaining of an undue Return of William Strode and John Speake Esqs, to serve in this Parliament as Burgesfes for the Burrough of Ilcester in the County of Somerset, in injury of the Petitioners, who as they alledge were duly Elested and Returned, was read and referred, &c. Also 1678.

A Petition of William Strode and John Speake Esqs, complaining of an undue Return of Edward Philipps and Robert Hunt Esqs, to serve in this Parliament as Burgesfes for the said Burrough of Ilcester in injury of the Petitioners, for that the Common Seal of the said Burrough was forcibly taken away from the Bailiff of the said Burrough and affixed to the Indenture, by which the said Edward Philipps and Robert Hunt were Returned; whereas the Petitioners were returned by the Bailiff, who is the only proper Officer capable of making Returns, was also read and referred, &c.

Die Martis 1 Aprilis 1679. Sir Thomas Meers Reported from the Committee of Elections, to whom it was referr'd to consider of the Matter of the said Return, That there are two Indentures of Return for the said Burrough of Ilcester annexed to the Writ for Elections of Members for the County of Somerset, viz. 1679. Report.

(1.) An Indenture dated the 20th day of February last, and made between John Carew Esq; Sheriff of the County of Somerset of the one part, and Sir Edward Philipps Knt. and eight other Capital Burgesfes of the said Burrough of the other part witnessing, That according to the form of a Breve to the Bailiff of the said Burrough directed, the said Burgesfes and others who were interested in the Election aforementioned, had chosen Edward Philipps and Robert Hunt Esqs, to be Burgesfes for the said Burrough, in Witness whereof the said Burgesfes had put their Common Seal, and accordingly there is a broad Seal affixed thereto, and several Hands subscribed, but the Bailiff is neither Party to the said Indenture, nor hath set his Hand or Seal to it.

(2.) There is also affixed to the said Writ another Indenture dated the same Day, made between the Sheriff of the one part, and the Bailiff and Burgesfes of the said Burrough of the other part, witnessing, That by virtue of a Precept from the said Sheriff, the said Bailiff, Burgesfes and Inhabitants of the said Burrough, have Elested William Strode Esq; and John Speake Esq; to be Burgesfes of Ilcester aforesaid, in Witness whereof the said Bailiff or his Deputy, together with the Burgesfes of the said Burrough have put their Hands and Seals; to which Indenture there is only one Seal affixed, and over it Thomas Hollyard Bailiff; and upon the same Indenture John Lockyer, George Slade, and on the back thereof is indorsed many Witnesses, to the Signing, Sealing and Delivery thereof.

Resolved, "That it is the opinion of this Committee, That the Indenture wherein William Strode Esq; and John Speake Esq; are Returned Burgesfes to serve in this present Parliament for the Burrough of Ilcester in the County of Somerset, is well and duly Return'd, and by the proper Officer; and that thereupon they ought to sit as duly Return'd to serve in this Parliament for the said Burrough.

Resolved, That this House doth agree with the Committee, That the Indenture wherein William Strode Esq; and John Speake Esq; are Returned Burgesfes, &c. is well and duly Return'd, &c. ut ante.

Burgus de Ipswich in Com' SUFFOLK.

In Little Domesday Book under the Title Sudfolc. De Hund. de Gepeswit, is this Entry. In Burgo erant Tempore Regis Edwardi 538 Burgenfes reddentes Con-
suetud. Regi, & habebant 40 acr' Terræ modo vero sunt 90 Burgenfes qui
Consuetudinem reddunt & 100 pauperes Burgenfes qui non possunt reddere
A a a ad

ad Geltum Regis nisi unum Denarium de suis Capitibus. Et 328 vastatae sunt, &c.

2 E. 3. *The Return for the Burrough 2 E. 3. to the Parliament at York is thus, viz. Les Bailives & le Comunalty de la Ville de Gippewic de nostre commun assent avons eluz nous Comburgeois Geffrei Stacy & Christopher del Bois d'estre pur nostre dit Ville ad Parlement avant dit, &c.*

1696. **D**IE Martis 20 Octobris 1696. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing another Burgess to serve in this present Parliament for the said Burrough, in the room of Sir John Barker Baronet, deceased.

Burgus de St. Ives in Com' CORNUB.

1690. **D**IE Martis 1 Aprilis 1690. A Petition of John Hawles Esq; setting forth that he was duly Electd by the majority of the Aldermen, Capital Burgesses and Assistants, (who had only Right to Elect there) yet one John Hicks, who pretended to be Mayor, (but not legally so) hath return'd James Praed and William Harris Esqs; as electd by the Commonalty, when as they have not a Right to Elect, or if they had, the Petitioner had the majority of all their Voices who paid Scot and Lot, and therefore ought to be returned, &c. was read and referred. And see the next Session, viz.

1690. **D**IE Sabbati 11 Octobris 1690. The Petition of Mr. Hawles reviv'd, setting forth, That a Writ lately issued for chusing two Burgesses for St. Ives, at which Election the majority of those who had a legal right to Vote, voted for the Petitioner, and more would have so done had they not been hinder'd by the pretended Mayor of the Town, who hath return'd James Praed Esq; and William Harris Esq; as Burgesses, in injury, &c. read and referred.

1691. **D**IE Sabbati 31 Octobris 1691. Mr. Hawles again renews his Petition to the House, setting forth, That he was duly electd for the said Burrough, by a majority of the Aldermen, Capital Burgesses and Assistants, yet one John Hicks pretending himself Mayor, hath return'd James Praed, and William Harris, pretending the right to be in the Commonalty, and that they had the majority, which if so, they were prevailed on by undue Practices, and praying Redress in the matters aforesaid.

DIE Veneris 1 January 1691. Ordered, That Mr. Hawles be at liberty to withdraw his Petition touching the Election for the Burrough of St. Ives in the County of Cornwall.

1699. **D**IE Luna 12 Decembris 1698. A Petition of divers Persons inhabiting within the said Burrough in behalf of themselves and divers others inhabiting within the same, setting forth, That the right of Election of Members to serve in Parliament for the said Burrough, is in the Inhabitants not receiving Alms, and the Petitioners as such demanded to be polled at the last Election for Sir Henry Herbert, but the Mayor in an arbitrary manner refused to let them be Polled, declaring that by the late King James's Charter, the right of Election was in the Mayor, Capital Burgesses and Assistants only, and that he would suffer no other Persons to be polled, who with himself are but 10 in number; and thereupon did make an illegal return of Sir Charles Windham and James Praed, Esq; in great violation of the Petitioners Right, and praying the House to do them Justice in the Premises as they shall think fit, was read and referred to the Committee.

DIE Jovis 16 Novembris 1699. A Petition of several Persons Inhabitants within the said Burrough of St. Ives was presented to the House and read, and referred to the Committee.

DIE Mercurii 29 Novembris 1699. The House being informed that the Petition of the Inhabitants within the said Burrough this Session, touching the Election for the said Burrough, is different from what was presented the last Sessions.

Ordered, That it be an Instruction to the said Committee, that they do Examine whether the Petition presented this Session, be the same in Substance with that which was presented the last Session, and that they do Report the same with their Opinion therein to the House, and that the said Committee do the same before they proceed upon the Merits of the said Election.

A Debate arising in the House concerning certain Orders lately made by the said Committee, relating to the giving Lifts of Persons excepted to on either Side in Cases touching Elections depending before them, and the House considering the Inconveniencies which have arisen thereby.

Ordered, That the said Orders be discharged, and that it be an Instruction to the said Committee, that they do make no such Orders for the future.

Die Mercurii, 13 Decembris, 1699. *Ordered*, That the Report from the said Committee, touching the Election for the said Burrough, be made to morrow Morning. And accordingly,

Die Jovis, 14 Decembris, 1699. Sir Rowland Gwyn reported the Matter to them, *Report.* referred upon the Petition for the said Burrough, and the Resolution of the Committee, which they had directed him to report to the House, which he read in his place, and afterwards delivered in at the Clerk's Table, where the same was read and agreed unto by the House, and is as follows, *viz.*

Resolved, "That the Petition of several Inhabitants within the said Burrough, presented to the House of Commons this Session of Parliament, touching the late Election for the said Burrough, is not the same in substance with the Petition from several Inhabitants of the said Burrough, presented to the House of Commons the last Session of Parliament, relating to the said Election.

Ordered, That the said Committee do not proceed any further upon the Petition touching the said Election.

Burgus de Kellington, in Com' CORNUB.

DIE Jovis, 2 Octobris, 1690. *Ordered*, That Mr. Speaker do issue his Warrant 1690. to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the Burrough of Kellington, in the County of Cornwall, in the room of Sir John Coryton, Bar. deceased.

Comitatus de Kent.

DIE Jovis, 22 Octobris, 1691, *Ordered*, That Mr. Speaker do issue his Warrant to 1691. the Clerk of the Crown, to make out a new Writ for the electing a Knight of the Shire, to serve in the present Parliament, for the County of Kent, in the room of Sir Vere Fane, now Earl of Westmorland, called up to the House of Lords.

Villa & Comitatus de Kingston super Hull in Com' YORK.

DIE Jovis 28 Novembris, 1695. A Petition of James Bradshaw, Knt. setting forth 1695. That the Petitioner was desired by a great number of the Burgesses of the Town and County of Kingston upon Hull, to serve as one of their Burgesses in this present Parliament, and accordingly tendred himself as such the same Day that the Sheriff of the said Town received the Writ for the Election at the next County-Court-Day, which was about 10 Days after his Receipt of the said Writ: That (to surprize his Friends that intended to vote for him) the said Sheriff, (to gratifie the Mayor of the Town and some Aldermen) privately appointed the Election to be the next Morning after the receipt of the Writ, and though he was acquainted that such Notice was not sufficient, yet he proceeded to Election next Morning, where he did not poll so many by 200 as at other times, notwithstanding the Mayor and Aldermen then made many Freemen on purpose to vote against the Petitioner, and threatned others that intended to vote for him, by which illegal Means the Petitioner, and the Burgesses of the said Town

Town, were denied a fair Election, and praying the Consideration of the House, and Relief in the Premises, was read, and referred to the *Committee of Privileges and Elections*.

Report. *Die Jovis 27 Febrarii 1695.* Ordered, That the Report from the said Committee, touching the said Election, be made upon *Munday Morning* next. And accordingly, *Die Luna 2. Martii 1695.* Collonel *Granville* reported from the said Committee, the Matter of the said Election, as it appeared to them, *viz.*

Upon the Petition of Sir *James Bradshaw*, Knt. complaining of an undue Election for the Town of *Kingston upon Hull*, the Committee have examined the Matter of the said Petition.

That it was insisted on behalf of the Petitioner, that *Kingston upon Hull*, with some Towns thereto adjacent, being a County of it self, that the Election ought to have been in the next County-Court, after receipt of the Writ.

And they produced an Indenture of a Return, *1 Maria*, by which it appeared that the Writ was directed to the Sheriff, and commanded him *Quod facta Proclamatione in prox^a Com^a Villa predict^a. post Receptionem brevis de Die & Loco*, he should cause two Burgesses to be elected.

And the Council for the sitting Members, that that had been the Form of the Writs, and Returns had been made accordingly from that time to this.

That then the Writ for the present Election was read, which was in the same Form.

That for the Petitioner were produced as Witnesses.

John Craven, who said the County-Court was adjourned from the 7th of *October* to the 18th.

Mr. Baker said, that on the 18th, being the Anniversary for Swearing the Mayor and Sheriff, after the Sheriff was sworn, the County-Court was adjourned from the 18th to the 21st of *October*.

John Raddehough said, that *Anthony Caddy*, on *Munday* the 21st of *October*, called a County-Court, and adjourn'd it to the *Munday* after.

That the County-Court is kept within the Verge of the Gaol, by which means, though a Prisoner, he had an opportunity to be present; and that a Boy that was Servant to *Joseph Hopman*, a Serjeant, was then Cryer, and he heard the Court adjourned from the 21st to the 28th, and then one *Henry Gerrard* was also present; and that on the 22d of *October*, the Sheriff and two Freeholders called another County-Court, the Doors being shut; and on the next Day proceeded to this Election.

That the said *Reddenhough* said, when he was before the Committee, that he was discharged, and did borrow 7*l.* of one *Frame*, and 40*s.* of Sir *James Bradshaw*, for which he had given a Bond to pay at *Midsummer*.

Mr. Baker said, that at the County-Courts, the great Doors into the Market-place used to be open, but now they went up the back Stairs; that the Day before the Election he saw Sir *James Bradshaw* in Alderman *Ives's* Shop, and then Sir *James* declared he would be a Candidate; that Sir *James* sent for the Sheriff, and asked him if he had received the Writ, and the Sheriff told him that he had received it that Morning, and would proceed to an Election the next Morning; that Sir *James* told the Sheriff it was not County-Court-Day, and used several Arguments not to elect till the County-Day; but the Sheriff said he had promised the Mayor and Aldermen, and would keep his Word; that the Mayor at the Election came with his Mace, in an extraordinary manner, and 25 were made free that Morning; that by Computation, the Burgesses were Seven hundred, and at this Election under Five hundred were polled; and said, that some Soldiers were drawn-up before the Town-Hall, but could not say it was more than usual, or that they made any disturbance, or hindred any Person from voting.

That for the sitting Members were called *Mr. Arthur Caddy*, the Under-Sheriff, who said, that the County-Court was adjourned from the 18th of *October* to the 21st, and from the 21st to the 22d, which Day the Writ was delivered to the Sheriff, and that Day, being *Tuesday*, Proclamation was made, the Writ read, and Notice given, that the Election would be the next Day, and accordingly he adjourn'd the Court to the next Day, on which Day the Election was; that the Day of Election being *Wednesday*, the Court was adjourned to *Munday* the 28th.

And the said *Mr. Caddy*, and *Mr. Duncalfe* said, that it was the usual way when they went to the County-Court, to go up the back Way, as at this time; and that Sir *James Bradshaw*, after the Election was over, said it was a fair Election.

And that upon the whole Matter the Committee came to these Resolutions, as their Opinion, *viz.*

1. "That Sir William St. Quintin, and Charles Osborne, Esq; are duly elected Bur-
" gesses to serve in this present Parliament, for the said Burrough of Kingston.

2. "That the Petition of Sir James Bradshaw, Knt. complaining of an undue
" Election for the said Burrough of Kingston, is vexatious, frivolous and groundless.

The first of the said Resolutions being read a second time, was, on the Question
put thereupon, agreed unto by the House.

The second Resolution being read a second time, and the Question being put, that
the House do agree with the Committee in the said Resolution. It passed in the
Negative.

Burgus de Knaresborough, in Com' YORK.

DIE Lune 24 Martii—89. A Petition of Thomas Fawkes, Esq; complaining, That
at the Election of Burgesses for the said Burrough, William Stockdale, Esq; and
the Petitioner, were unanimously elected, and accordingly the Bailiff made his Return.
But the Bailiff, tho' the Petitioner was duly chosen, and by the Return express'd to be
elected *instant major part Burgensium*, yet afterwards, contrary to his Duty, he
made another Return of William Stockdale, and Henry Slingsby, wherein those Words
are omitted, and praying, That the Petitioner may be the other sitting Member, being
duly chosen, as aforesaid, by a Majority of the said Burrough. Was read, and referred
to the Committee of Privileges and Elections. 1689.

Die Mercurii 2 Aprilis, 1690. See a Petition of Sir Henry Slingsby, Baronet, com- 1690.
plaining of an undue Election for the said Burrough.—— Read, and referred to
the said Committee.

Die Sabbati, 10 Maii, 1690. Ordered, That the Report of the said Election be made
upon Thursday Morning next, [Vide Civitas de York.] But it was not till

Die Sabbati, 17 Maii, 1690. When Mr. Gray reported the Matter of the said Ele- Report.
ction, viz. That the said Committee had considered the same: And that the Quest-
ion was,

Whether Thomas Fawkes, or Henry Slingsby, Esq; were duly Elected and Return'd?

And the determining the Return depended on the Merits of the Election.

That the Right of Election was agreed to be in the Burgage Holders. And,

That Mr Fawkes on the Poll had 22, and Sir Henry Slingsby 20 Voices. And,

That upon Examination it appeared to the Committee, that Mr. Fawkes had a ma-
jority of qualified Voices, and thereupon the Committee came to this Resolution, viz.

Resolved, as their Opinion, "That Thomas Fawkes, Esq; is duly Returned and
" Elected a Burgess to serve in this present Parliament, for the said Burrough of
" Knaresborough.

To which Resolution the House agreed, and ordered, That the Clerk of the Crown
do attend this House on Monday Morning, with the said Return, in order to amend
the same.

Die Lune, 19 Maii, 1690. The Clerk of the Crown attended according to the
said Order, was called in, and amended the Return, according to the said Resolution.

Comitatus de Lancaster.

DIE Mercurii, 19 Martii, —78. A Petition of William Spencer, Esq; to serve in 1678.
this Parliament, as one of the Knights of the Shire for the said County, in in-
jury of the Petitioner, who was duly elected, and ought to have been return'd, was
read and referred, sed nil ultra. Quere against whom this Petition was, 'tis not men-
tion'd in the Journal.

Die Sabbati, 13 Januarii, 1693. Ordered, That Mr. Speaker do issue his Warrant 1693.
to the Clerk of the Crown, to make out a new Writ for electing a Knight of the Shire,
to serve in this present Parliament, for the said County, in the room of the Lord Bran-
don, now Earl of Macclesfield.

Burgus de Lancaster.

Rot. Cartar.
11 E. 3. M.
22. N^o. 39.
by Inspexi-
mus.

King John, when he was Earl of Moreton and Lancaster, Granted and Confirmed to his Burgeses of that Town, in the 4th of Richard the 1st, all the Liberties which he had granted to the Burgeses of Bristol; and furthermore released to them the Suit they ought to his Mill, and acquitted them from Ploughing his Lands, and performing other servile Customs. Johannes Comes Moreton omnibus hominibus & amicis suis Francis & Anglicis presentibus & futuris salutem. Sciatis me concessisse & hac Carta mea confirmasse Burgenfibus meis Lancastrie omnes Libertates quas Burgenfibus Bristol concessi. Præterea clamavi eisdem Burgenfes quietos de feſta molendini & de arura, & de aliis ſervilibus Conſuetudinibus quas facere ſolebant, &c. This Charter was Confirmed by this John when King, and by Edward the III^d. in the 11th of his Reign, as in the Margin.

DIE Luna, 8 Februarii. Ordered, That Mr. Speaker do issue out his Warrant for making out a new Writ for the Burrough of Lancaster, in the room of Tho. Preston, Esq; deceased.

Burgus de Launceston in Com' CORNUB.

Rot. Cartar.
15 H. 3. M.
4. & Rot.
Pat. 2 H. 4.
pt. 3. M. 28.
per Inspexi-
mus.

Richard, Brother to King Henry the III^d, was created Earl of Cornwall, in the 15th Year of his Reign, by his Charter without Date, made Dunheved, or Lancelston, a free Burgh, and amongst other Liberties, granted to the Burgeses to chuse their own Bailiffs, who were to answer the Farm of the Burgh, which was to himself, an 100 s. to the Priory of St. Stephen, in Lancelston, 65 s. 10 d. and to the Lepers of St. Leonard's, 100 s. of his Alms. He granted also to them unam Placeam, where they should think it most decent and honourable to erect a Gild-Hall in the same Burgh, to hold of him and his Heirs by a Pound of Pepper, to be paid yearly at Michaelmas for all Services and Demands whatsoever. He granted also, That they should not be Taxed when the County was, nor Talliated by him, or his Heirs, when the King Talliated all his Burghs in England.

There were Burgeses inhabiting in, or belonging to the Castle of this Town, in the time of King H. II. who had certain Liberties and Privileges, as appears by the Charter of Helstone, ante.

1690. **D**IE Martis, 6 Maii, 1690. Ordered, That William Harbord, Esq; being returned one of the Burgeses to serve in this present Parliament for the said Burrough of Launceston, and also one of the Burgeses for the Burrough of Thetford, in the Counties of Norfolk and Suffolk, do to morrow Morning make his Election, for which of the said Places he will serve: And accordingly,

Report. Die Mercurii, 7 Maii, 1690. Mr. Speaker reports, that Mr. Harbord had acquainted him, that he (according to the Order of Yesterday) had elected to serve in this present Parliament, for the said Burrough of Launceston; and that he desired a new Writ might issue for electing another-Burges in his room, for the Burrough of Thetford, which see Title Thetford.

1692. Die Veneris, 4 Novembris, 1692. being the 4th Session of the 6 Years Parliament. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Election of a Burges to serve in this present Parliament, for the Burrough of Dunheved, alias Lancelston, in the room of William Harbord, Esq; deceased.

Comitatus Leicestriae.

DIE Mercurii, 26 Martii, 1678. A Petition of several Freeholders of the County of Leicesters, complaining of the undue Election and Return of the Lord Ross, and the Lord Sherrard, to serve in this Parliament, as Knights of the Shire for the said County, in injury of the Petitioners, was read: And,

Ordered, That the Matter of the said Petition be heard at the Bar of this House on this Day fortnight; and, that the High-Sheriff, and Under-Sheriff of the said County do then attend.

Die Mercurii, 9 April, 1679. Ordered, That the Matter of the Election for Leicestershire be heard at the Bar of this House this Afternoon. 1679.

Post Meridiem. The House took into Consideration the Matter touching the Election for the County of Leicesters, and heard the Council, and several Witnesses, on the part of the Petitioners, and then adjourn'd.

Die Sabbati, 12 April, 1679. Ordered, That the farther Examination of the Matter of the Election for the County of Leicesters, appointed to be read at the Bar of this House this Day, be adjourn'd till Monday Morning next, and to come on the first Business.

Die Martis, 15 Aprilis, —79. Post Meridiem. The House proceeded to hear the Matter touching the said Election, and having examined the remainder of the Evidence on the part of the fitting Members.

The Question being put, that the House do now proceed upon the Debate touching the Election for the County of Leicesters. The House divided; the Noes go forth.

Tellers for the Yeas { Sir John Talbot, } 78.
and Mr. Grey,

Tellers for the Noes { Sir Eliab Harvey, } 116.
and Col. Birch,

So it passed in the Negative.

And upon the Question severally put, resolved.

(1.) That the Lord Ross is not duly elected to serve in this Parliament as Knight of the Shire for the County of Leicesters.

(2.) That the Lord Sherrard is well and duly elected to serve in this Parliament as Knight of the Shire for the County of Leicesters.

(3.) That Sir John Hartopp is not duly elected to serve in this Parliament as Knight of the Shire for the County of Leicesters.

Die Jovis 17 Aprilis 1679. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Knight of the Shire to serve in this Parliament for the County of Leicesters.

Resolved, That this House will on Saturday next come Sevensnight take into Consideration the matter of the Miscarriages, touching the Election for the County of Leicesters.

Villa de Leicesters.

DIE Veneris 28 Martii 1690. A Petition of Tho. Babbington, Esq; setting forth, 1690.
That he was duly Elected a Burgess for the said Burrough by the majority of those Persons who had a legal right to Vote, and ought to have been Returned, but several undue practices having been made use of at the said Election, Sir Edward Abney and Lawrence Carter were Returned in prejudice to the Petitioner, and praying the Consideration of the House, and Relief in the Premises. Read and Referred.

Burgus de Leominster alias Lemster.

Amongst the Returns 26 E. 1. are inserted Nomina duorum Burgensium de Burgo 26 E. 1.
Leominster, but not said by whom elected.

Die

1689. **D**IE Luna 24 Martii 1689. A Petition of *Ferdinando Gorges*, Esq; That he was duly elected by the majority of qualify'd Votes for the said Burrough, but the Bailiff refus'd to admit to Poll several persons that rendered their Votes for the Petitioner, and by threats and irregular Practices discouraged others from voting for him, and also return'd *John Dutton Colt*, Esq; in prejudice to the Petitioner. Referred.

Burgus de Liverpool in Com' LANCASTER.

1694. **D**IE Luna 12 Novembris 1694. Being the 6th Session of that Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Richard Lord Colchester*, now Earl Rivers, called up to the House of Lords.

Die Veneris 21 Decembris 1694. A Petition of several Burgesses and Freemen of the Burrough and Corporation of *Liverpool* in the County Palatine of *Lancaster*, in behalf of themselves and others, was read, setting forth, That the Petitioners did on the 4th Instant legally chuse *Jasper Mawdit*, Esq; as their Burgess to serve in Parliament in the room of the late Lord *Colchester*, now Earl of *Rivers*, notwithstanding which, the Mayor of the said Corporation hath unjustly returned *Thomas Brotherton*, Esq; and praying the Consideration of the House in the Premisses. Also

A Petition of the said *Jasper Mawdit*, Esq; was read; setting forth, That at an Election the 4th Instant, for a Burgess to serve in this present Parliament for the said Burrough, in the room of the Lord *Colchester*, now Earl *Rivers*, the Petitioner was duly chosen a Burgess for the said Town, by a majority of above 200 Voices of the legal Electors, but the Mayor of the Town, upon pretence that the Petitioner was not duly qualified to serve, denied a Poll, tho' the same was demanded by the Electors, and hath returned one *Thomas Brotherton*, Esq; who opposed the Petitioner in prejudice of the Petitioners Right, and praying Relief in the Premisses.

Both which said Petitions were severally ordered to be heard at the Bar of the House upon this Day three Weeks. And also Ordered, That the Mayor of *Liverpool* do attend this House upon this Day three Weeks. And accordingly,

Die Veneris 11 Januarii 1694. The House proceeded to the Hearing of the several Petitions touching the Election for the said Burrough, and the Council and Witnesses for the parties concerned were called in and heard at the Bar, and then withdrew.

And the Question being put that *Thomas Brotherton*, Esq; is duly Elected and Returned a Burgess to serve in this present Parliament for the Burrough of *Liverpool* in the County of *Lancaster*.

It passed in the Negative.

Resolved, "That *Jasper Mawdit*, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of *Liverpool* in the County of *Lancaster*."

Ordered, "That the Mayor of *Liverpool*, and the Clerk of the Crown do attend this House to morrow Morning with the Return for the said Burrough in order to amend the same."

Resolved, "That Mr. *Alexander Norris*, Mayor of the Burrough of *Liverpool* in the County of *Lancaster*, having taken upon him to Judge, That *Jasper Mawdit*, Esq; being Coroner of the said Burrough, was incapable to be elected a Burgess to serve in Parliament (altho' duly chosen) and having made a false Return of *Thomas Brotherton*, Esq; to serve as a Burgess for the said Burrough, hath therein violated the Rights of the Commons of *England*, and broken the Privileges of this House."

Resolved, "That the said *Alexander Norris*, for the said Misdemeanor, be sent for in Custody of the Serjeant at Arms attending this House."

Resolved, "That a Committee be appointed to inspect Precedents what Censures have been inflicted upon Officers for making false Returns, and to Report the same to the House; and a Committee was accordingly appointed of about 50 Members (named in the Journal) and to meet to morrow Morning in the Speaker's Chamber."

Die Sabbati 12 Januarii 1694. The Mayor of the said Burrough of *Leverpool*, and the Clerk of the Crown attended according to order, and amended the Return for the said Burrough by rasing out the Name of *Thomas Brotherton*, and inserting the Name of *Jasper Mawdit* instead thereof. 1694.

Die Lune 28 Januarii 1694. A Petition of the Mayor of *Leverpool* in Custody of the Serjeant at Arms was presented and read, by which he acknowledged his Crime, and begg'd Pardon of the House for the same, and pray'd to be discharg'd out of Custody.

Ordered, That the Committee to whom it was referred to inspect Precedents, what Censures have been inflicted upon Officers for making false Returns, and to Report the same to the House, do speed this Report, and have power to sit *de die in diem*.

Die Mercurii 9 Februarii 1694. Sir *John Bolles* reported from the Committee appointed to Inspect Precedents, what Censures have been inflicted upon Officers for making false Returns, &c. Report.

That they had searched several Journals, and had directed him to Report to the House the Case between Sir *Thomas Savile*, and Mr. *Hoyle*, touching an Election for *York*, 4 Car. 1. and the same is as follows, viz.

In the Journal N^o. 4. 29 April. 4 Car. 1.

Mr. *Hackwell* reported from the Committee for Privileges the Case concerning the Sheriffs and Aldermen sent for from *York*.

Sheriff *Thompson* Censured for precipitating to a Sentence for Sir *Thomas Saville's* Election, purposely to put out Mr. *Hoyle*, and for refusal of the poll when demanded by Mr. *Hoyle*; also, That he acquainted not his Fellow Sheriff with it, That he pronounced it within a Quarter of an Hour after the reading of the Writ, That he was admonished not to do it while doing it, but answered he would do it and justify it; That his excuses were holden Idle, and his behaviour at the Committee was full of Offence: And Note, a Message was sent to him by Sir *John Saville*, that he should be saved harmless.

Alderman *Hemsworth* charged with undue Practices and Preparations, Conventing the several Companies to the End as it had been for the business of the City, and there read Sir *John Saville's* Letter to them, his Solicitation for Sir *Thomas Saville* both publick and private, and saying, he was persuaded the Parliament would not hold, and then they knew Sir *John Saville's* Power, assuring them, they should be saved harmless in chusing Sir *Thomas Saville*, persuaded *Atkins* to conceal that he had Sir *John Saville's* promise, to save the Electors of Sir *Thomas Saville* harmless; and unduly procured hands to confirm Sir *Thomas Saville's* Election, and reviled honest Men for not Subscribing it.

Alderman *Cooper* and Sheriff *Atkins* ordered to be Discharg'd paying their Fees, by the opinion of the Committee, and by the House; on the Question, *Cooper* to be discharg'd, paying his Fees, without further Censure; also, on the Question, Sheriff *Atkins* to be discharg'd, paying his Fees, without farther Censure; upon the Question, Sheriff *Thompson* and Alderman *Hemsworth* to be re-committed to the Serjeant at Arms during the Pleasure of the House, and not to be discharg'd till Submission made, and acknowledgment made at the Bar of the House of their Offence upon their Knees, and not to be discharg'd before they have paid their Fees.

Upon the Question, Mr. *Thompson* and Mr. *Hemsworth*, now censured for their Misdemeanor about the Election, to pay the Charges of the Witnesses which came up about the Election, and not to be discharg'd till they have paid the same.

Upon the Question, 4 Members were appointed to Tax the Charges and to return the same to the House.

30 Aprilis 4 Car. 1. Sir *Peter Hayman* Reported from the Committee for Examination of the Charges of the Witnesses from *York*, That they have abated from 40*l*. and odd, to 20*l*.

Sheriff *Thompson* and Alderman *Hemsworth* were called in, and kneeling at the Bar, their Judgment, as ordered upon the Questions, were pronounced unto them by the Speaker.

2 May, 4 Car. 1. Alderman *Hemsworth* and Sheriff *Thompson* having paid their Fees to the Clerk and Serjeant, and the 20*l*. to Mr. *Hoyle*, were called in, and kneeling acknowledged their Offence in unduely preparing and returning Sir *Thomas Saville*, a Citizen for *York*, to serve in this Parliament.

Which Report being read by the said Chairman Sir *John Bolles*,

Burgus de Lestwithiel.

Resolved, That the Matter be re-committed to the same Committee, and that they do inspect the Journals, and Report what other Presidents they shall find to the House.

Resolved, that it be an Instruction to the said Committee, that they do inspect Presidents of what Censures have been inflicted by this House, upon Persons that have broken the Privileges of the House, and Report the same.

Die Mercurii 20 Februarii 1694. A Motion being made, and the Question being put, That the Mayor of *Liverpoole* in Custody of the Serjeant at Arms attending this House be discharged out of Custody, paying his Fees, and that he be brought to the Bar of the House to morrow Morning, in order to his discharge.

The House divided. The Yea's go forth.

Tellers for the Yea's	{ Mr. Gwyn, and Coll. Perry,	{ 133.
Tellers for the No's	{ Sir Ralph Dutton and Mr. Arnold	{ 110.

So it was Resolved in the Affirmative, and Ordered accordingly.

Die Jovis 21 Februarii 1694. The Mayor of *Liverpool* was according to order brought to the Bar, where he on his knees had a Reprimand from Mr. Speaker, and was discharged out of Custody (where he had lain since the 11th of *January* last for his great Misdemeanor) paying his Fees.

1694. *Die Lune 12 Novembris 1694.* Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgeſs to serve for the said Burrough, in the room of *Richard Lord Colchester*, now *Earl Rivers*, called up to the House of Peers.

Burgus de Leskard in Com' CORNWALL.

Rot. Pat. 2.
E. 3. Part. 2.
M. 14. per
Inſpeximus.

ibid. 3 Ed. 1.

Richard, Brother to *King H. 3.* and created *Earl of Cornwall* in the 15th Year of his Reign, by his Charter without Date, made *Leskereth* or *Leskard* a free Burrough, and granted to the Burgeſſes all thoſe Liberties and free Customs which by his Charter he had granted to his Burgeſſes of *Lanceſton* and *Helleſton*. This Charter is dated the 5th of Jan. in the 24th of his Brother *Henry* the 3d. Anno Dom. 1240. And *Edmund Earl of Cornwall* his Son, in the 3 E. 1. Granted this whole Burrough, with the Rent of the same, and his Mills of *Bodgara* and *Lonvil*, with the Hill of *Bodgara* and the Meadows belonging to the Mills, with the Toll of the Mercat and Fairs, and also all Fines, Mulcts, and Perquisites of the same Burgh belonging, to him and his Heirs, in Fee Farm, to be paid to him or his Heirs by the hands of his Seneschal of Cornwall, by equal Portions at Easter and Michaelmas, saving to himself and Heirs, that they might Talliate the said Burgh as often, and when the King of England did Talliate his Cities and Burghs.

1696. *DIE Martis 20 Octobris 1696.* Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgeſs to serve in this present Parliament for the said Burrough, in the Room of *Sir Boucher Wray*, Knt. deceased.

Burgus de Lestwithiel in Com' CORNWALL.

Rot. Cartar.
19 E. 2. No.
24. by In-
ſpeximus.

By Rotul. Parl. 8 E. 2. N° 41. It appears that this was then the King's Town, and no Burrough—But *Edmund Earl of Cornwall*, when he was King of the Romans, in the 12th Year of his Reign, made *Lestwithiel* and *Penknek* one Free Burgh, and that his Burgeſſes there should have a Merchant Gild, and then proceeds and grants them further Liberties, viz. That they should have all their Free Customs, and such as were used in Cities, and the same in all things which they had in the time of *Richard de Lucy*, that is to say, Sac, Soc, Tol, Them and Infangenethuf, and granted

granted them that they should not Plead or be Prosecuted in Hundred or County Courts, nor for any Summons should go any where to any Law business without the Town of Lestwithiel, and that they should be quit from paying Toll through all Cornwall in Fairs and Markets, and wheresoever they bought and sold; and that for the Goods they trusted, when they were not paid, they might distrein their Debtors when they found them in their Town.

DIE Lune 12 Decembris 1698. A Petition of John Hicks, Esq; setting forth, 1698.
That the Petitioner was invited by the Electors of the said Burrough of *Lestwithiel* to be one of their Representatives in this present Parliament, but a Peer of this Realm of great Place and Trust in the said County, did not only persuade and influence the Electors not to chuse the Petitioner before the Election; but appeared there and recommended for Burgesses *George Booth* and *Samuel Travers*, Esqs; for whom his Lordship declared he would be answerable; by means whereof, and many corrupt practices of the Agents of Mr. *Booth* and Mr. *Travers*, several of the said Electors, who had invited the Petitioner as aforesaid, were prevailed on to vote against him, and yet he doubts not to prove, that he had the majority of legal voters for him; but *William Tapreel*, the Mayor of the said Burrough, refused to Return him; and praying the Consideration of the House in the Premises, and Relief therein. Was read and referred—— But nothing further done therein.

Burgus de Lewes in Com' SUSSEX.

In Great Domesday Book under Title Sudsex are these Entries, viz. Burgum de *Lewes* Tempore Regis Edwardi reddebat 6 l. 4 s. 1 d. ob. de Gablo & de Theloned Ibi Rex Edwardus habebat 127 Burgenses in Dominio or immediate subjection. *Great Domesd. fol. 26. a.*

In Burgo de *Pevenfel* Tempore Regis Edwardi fuere 24 Burgenses in Dominio Regis & reddebant de Gablo 14 s. 6 d. De Theloneo 20 s. De Portu, (i. e. Port Custom) or for the use of the Port 25 s. De Pastura 7 s. 3 d. *Ibid. fol. 20. b. Pevensey.*

Episcopus de *Cicestre* habebat 5 Burgenses *Eadmer Presbyter* 15. *Omer Presbyter* 5. *Doda Presbyter* 3.—— Quando Comes de *Moritonio* Recepit nisi 27. Burgenses fuere modo habet ipse in Dominio 60. Burgenses reddentes 39 s. de Gablo. Theloneum 4 l. Moneta 20 s.

Monachi de *Moritonio* (in Normandy) 8 Burgenses de 66 Denar' *Gislebertus Vicecomes* 1 Burgensem de 20 Denar' W. de *Cahainges* 2 Burgenses de 2. solid. and the like of other Burgesses, to the number of 41. in all, under several Patrons.

Villa de Lynn Regis in Com' NORFOLK.

The Charter granted to this Burrough by King John in the 5th Year of his Reign, runs thus—*Johannes*, Dei gratia, &c. Noveritis Nos ad Instantiam & Petitionem venerabilis Patris nostri *Johannes Norwic*. Episcopi secundi concessisse & hac presenti Charta nostra confirmasse quod *Villa de Lenna*, sit liber Burgus in perpetuum, & habeat omnes Libertates & liberas Consuetudines quas liberi Burgi habent omnibus Salvis, ipsi Episcopo & Successoribus suis & *Willielmo Comiti Arundel* & heredibus suis libertatibus & consuetudinibus quas ipsi in prædicta Villa antiquitus habuerunt Quare volumus & firmiter precipimus quod prædicta Villa de *Lenna* sit liber Burgus in perpetuum & habeat omnes Libertates & Consuetudines liberas quas liberi Burgi nostri habent in omnibus bene & in Pace libere & quiete & integre sicut prædictum est— Testibus Domino Cant' Archiepiscopo. W. London. Episcop. G. filio Petri Comite Effex. R. Comite Castria. Gaufrido de Say, &c. Data per Manum summi Prapofiti de Beverl. &c. apud *Lamhe*— 27 Die Januarii, Anno Regni nostri 5. *Rot. Cartat. s. Johannes No. 112.*

The Return for the Town of Lynn, in 7 Ed. IV. is—— Testatur quod— Ma. 7 E. 4.
jor & Comunitas Villæ five Burgi de *Len*. Elegerunt *Henricum Bermingham* & *Willielmum*

*Civitas de Lincoln.*12 E. 4.
17 E. 4.

Willielmum Pilton, Burgenfes intereffend ad Parliamentum, &c. *And the like Return is in the 12 Ed. IV.*
In the 17 Ed. IV. The Return was— Quod major & Burgenfes pro fe & Communitate Villæ prædictæ elegerunt.

Comitatus de Lincoln.

[Vide infra Civitas de Lincoln.]

DIE Jovis 5 Decembris, 1695. A Petition of Sir John Bolls Baronet, setting forth, That the Petitioner was duly elected a Knight to serve in this present Parliament, for the County of Lincoln, but by reason of several illegal and undue Practices, the Lord Castleton, and Sir Tho. Holt were returned Knights to serve for the said County, though in Justice the Petitioner ought to have been returned with the said Lord Castleton, and praying that the House will take the Premises into Consideration, and to do therein as they shall think fit. Was read and referred.

Civitas de Lincoln.

15 E. 2.

In the return of the Writ of Summons, 15 Ed. II. there are indorsed after the Knights of the Shire only, the Names of the Citizens return'd for the City of Lincoln, with their Manucaptors, thus—

Manuaptores Henrici Hakethorn unius Civium Civitatis Lincoln, Johannes Fowler, de Lincolne, & Adam de Marrays de eadem.

Manuaptores Thomæ Gamel alterius Civium Civitatis Lincoln, Philip Millays de Lincoln, & Rogerus Ingloys de eadem.

And the like Returns are in the Dorse of the Writ for Great Grimsby, and Stamford, and then follows— Et non sunt plures Civitates seu Burgi in Com' Lincoln prædictæ— *And so omits Boston and Grantham.*

But though there is no mention in the abovesaid Return, how, or by whom they were elected— Yet by a Petition or Certificate, (now sewed to the Writ which is directed to the Sheriff of Lincolnshire) it appears, they were elected by the Mayor and Commonalty of that City, viz.—

A tres noble home & sage Sire Willaum de Eyrmine, Meire, & la Comminalty de Nicole, quant quit divent & poent d'onors & reverences, pur ce Scire, que nous avons eslutz Herry de Hakethorn, & Thomas Gamel nous Conciteyens de venir au Parlement de nostre Seigneur le Roy— Et ore le dit Thomas ne se degne venir pur riens que nous savons faire pur quoi Sire nous avons eslutz Alayn de Hodelston en le lieu de le dit Thomas a faire & assentir pur la dit Citee solonque le Tenure de le dit Breif: Et vous prioms cher Sire si il vous plect que le dits Herry & Allayn voilets Resceivire pur la Citee avant dit— En Tesmoynance de quelque chose, as cestez presents nous avons mis le Seal de nostre Meiretee, Don a Nicole le 2d Jour de Maii, le Ann du Reign nostre Seigneur le Roy Edward que ore est qui Dieu garde Quinzime.

Whereupon it may be observed—

1. That the Mayor and Commonalty of the said City elected.
2. That Tho. Gamel had 2 Manucaptors return'd, yet he would not go to the Parliament for any thing the Mayor and Commonalty knew what to do.
3. That they, without any other Writ, (after the said Tho. was return'd to the Sheriff, and by him indors'd on the Writ, with his Manucaptors for his appearance) elected another— And,
4. That they desired Sir W. Eyrmin (then Master of the Rolls, and Keeper of the Seal in the Absence or Indisposition of John, Bishop of Norwich, then Chancellor) that being elected ut supra, he might be received with the other, upon the Mayors Seal of Office affixed to this Certificate.

DIE Jovis, 5 Decembris, 1695. A Petition of Sir Edward Hussey, Baronet, setting forth, That the Petitioner was duly elected a Citizen to serve in this present Parliament, for the said City, but by the partiality of the Mayor in making several Persons free on purpose to vote against the Petitioner, and refusing to make others who had a right to claim their Freedom, and by other corrupt and undue Practices, Sir John Bolles, Baronet, is returned as elected to serve for the said City in wrong to the said City, and the Petitioner; and praying that the House will hear the Merits of the said Election; and that the said City and Petitioner may have right done them in the Premises; was read and referred. 1695.

Civitas de Litchfield.

DIE Mercurii, 14 Decembris, 1698. A Petition of Humphry Wirly, Esq; setting forth, That the Petitioner stood as a Candidate at the late Election of Members to serve in this present Parliament for the said City of Litchfield, but by Menaces, and divers illegal Practices, Electors were discouraged and hindered from voting for him, and others were gained to Mr. Dyot, and Sir Michal Biddulph, whereby they are returned to serve for the said City, to the great Injury of the Petitioners; and praying the relief of the House in the Premises; was read and referred. 1698.

Civitas de London.

There have been many ancient Charters granted to this City, some whereof are recited by InspeXimus in a Charter granted them by Ed. IV. in the 2d Year of his Reign, viz. Rot. Pat. 1. E. 4. pars 5. M. 23.

A Charter of H. I. which says— Sciatis me concessisse Civibus meis Londonia tenendum Middlesexiam ad firmam pro 300 libris ad computum, ipsis & hæredibus suis de me & hæredibus meis. Ita quod ipsi Cives ponent Vice comitem qualem voluerint de seipsis & Justiciarium quemcunque vel qualem voluerint de seipsis ad custodienda Placita Coronæ meæ & ad eadem placitanda & nullus alius erit Justiciarius, super ipsos homines Londonia, & Cives non placitabunt extra muros Civitatis pro ullo placito & sint quieti de Schot & de Loth, & de Danegeld, & de Murdro, & nullus eorum faciat Bellum, & si quis Civium de placitis Coronæ implacitatus fuerit per Sacramentum, quod judicatum fuerit in Civitate, se distracionet homo London, & infra Muros Civitatis nullus hospitetur, neque de mea Familia neque de alia, vel alicui Hospitium liberatur— Et omnes Homines Londonia sint quieti & liberi, & omnes eorum res per totam Angliam, & per Portus Maris de Theoloneo & Passagio, & Lestagio, & omnibus aliis Consuetudinibus, Et Ecclesia, & Barones, & Cives, habeant & teneant bene & in pace Socas suas cum omnibus Consuetudinibus. Ita quod Hospites qui in Sokis hospitantur nulli dent Consuetudinis nisi illi cujus Soka fuerit vel ministro suo quem ibi posuerit, & homo Londonia non judicetur in misericordia Pecuniæ nisi ad Sa Were, scilicet ad 100 Solidos, Dico de placito quod ad Pecuniam pertineat, & amplius non sit Miskenninge in Hustengo, neque in Folkesmot, neque in aliis placitis infra Civitatem. Et Hustengum sedeat semel in Ebdomada videlicet die Lunæ, & Terras, & vadimonia & debita Civibus meis habere faciam infra Civitatem & extra, & de Terris de quibus ad me clamaverint rectum eis tenebo lege Civitatis, & si quis Theoloneum vel Consuetudinem a Civibus meis Londonia cepert Cives Londonia capiant de Burgo vel de Villa ubi Theoloneum vel Consuetudo capta fuerint quantum homo Londonia pro Theoloneo dedit, & proinde de Dampno receperit. Et omnes Debitores qui Civibus London' debita debent eis reddant in Londonia, vel in Londonia se distracionent quod non debent, quod si reddere noluerint neque quod non debent ad distracionandum venire, tunc Cives Londonia quibus debita sua debentur capiant Namia sua in Civitate London de Burgo vel D d d Villa

Note, There
is the same
Charter by
Inspex. 1 H.
4. 25 Maii.

Hen. 2.

Villa vel de Comitatu in quo manet qui debitum debet.—— Et Cives Londoniæ habeant *fugationes* suas ad fugandum sicut melius & plenius habuerunt Antecessores eorum scilicet in *Chiltre & Middlesexe & Surrie*—— Testibus Episcopo Winton, Roberto filio Richier, Hugone Bigot, Alnero de Toteneis, W. de Alba Spina, Huberto Regis Camerario, W. de Mountfitchet, Hangulfo de Taney, J. Bellet, & Roberto filio Siwardi apud Westmonasterium—— (*But without Date.*)

Also a Charter of H. 2. viz. Sciatis me concessisse Civibus meis Londoniæ quod nullus eorum placitet extra Muros Civitatis Londoniæ de ullo placito præter placita de tenuris exterioribus, (exceptis Monetariis & Ministris meis). Concessi etiam eis quietanciam Murdri infra urbem, & in Portsoka, & quod nullus eorum faciat Duellum & quod de placitis ad Coron' pertinent' se possint distracionare secundum antiquam Consuetudinem Civitatis prædictæ, & quod infra Muros Civitatis, (a) nemo capiat hospitium per vim vel per liberationem Marefchalli—— Hoc etiam eis concessi quod omnes Cives L. sint quieti de Theoloneo & Lestagio, (b) per totam Angliam, & per Portus Maris, & quod nullos de misericordia pecunie iudicetur nisi secundum legem Civitatis quam habuerunt tempore Regis Henrici Avi (c) mei, & quod in Civitate in nullo placito sit Miskennunga, & quod Hustingum, semel tantum in hebdomada teneatur. Et quod Terras suas & Tenuras & Vadimonia & omnia Debita iuste habeant quicunq; eis debeant. Et de terris suis & tenuris quæ infra urbem sunt, Rectum eis teneatur secundum Consuetudinem Civitatis, & de omnibus debitis suis quæ accomodata fuerint apud L. & de vadimoniis ibidem factis Placita apud L. teneantur. Et si quis in tota (d) Anglia Theoloneum vel Consuetudinem ab hominibus Londoniæ ceperit, postquam ipse a Recto defecerit Vicecomes Londoniæ Namium, inde apud L. capiat. Concedo etiam eis, quod habeant fugationes suas ubicunq; eas habuerunt tempore Regis Henrici Avi mei. Insuper etiam ad emendationem Civitatis eis concessi quod omnes sint quieti de Bridrol & de Childwite & de Ferisgieve, & de Scotale. Ita quod Vicecomes noster de L. vel aliquis alius Ballivus Scotale non faciat. Has prædictas Consuetudines eis concedo, & omnes alias Libertates & liberas Consuetudines quas habuerunt T. R. H. Avi mei, quando meliores vel liberiores habuerunt: Quare volo & firmiter præcipio quod ipsi & hæredes eorum hæc omnia prædicta hæreditarie habeant & teneant de me & hæredibus meis. Testibus T. Archiepiscopo Cantuar' R. Episcopo Londinen' Ph. Episcopo.

R. 1.

The next Charter recited is of R. 1. without Date, which runs thus—— Sciatis Nos concessisse, &c. as in that of H. 2. supra, only read concessimus for concessi, and nostri for mei, &c. in the plural number. Hiis Testibus Baiocensi Ern. Episcopo Lexoviensi T. Cancellario, R. de Novo Burgo, R. de St. Walrico R. de Warennæ. Walth. Maminot, Richardo de Lucy, Guar' filio Geroldi, Ma. Biffer, Loc' de Ballolio apud Westmonasterium.

5 R. 1.

The next recited is a Charter of 5 R. 1. to the said City, which runs thus, viz. Sciatis Nos concessisse, &c. as in the Charter supra of H. 2. only for Concessi read Concessimus, &c. The Stile of the King being in the plural number—— Testibus Huberto Cantuar' Archiepiscopo, Richardo Londinenfi, Hugone Dunelm. Gilberto Roffensi, Hugone Lincoln. Episcopis, Ran. Com' Cestr', Richardo Com' de Clare, W. Marischallo, Rogero Bigot, Gaufrido filio Perri, Hugone Bardolfe, W. Briwer, W. de Warennæ, Data per Manum Willielmi Eliensis Episcopi Cancellarii nostri apud Winton, 20 Aprilis, Anno Regni nostri. 5.

8 R. 1.

The last Charter recited by Inspeximus, is that made in the 8th Year of the same King, and runs thus. Noverit universitas vestra Nos pro salute animæ nostræ & pro salute animæ Henrici Regis Patris nostri & animarum antecessorum nostrorum, nec non & pro communi utilitate Civitatis nostræ Londoniæ & totius Regni nostri, concessisse & firmiter præcipisse ut omnes Kidelli qui sunt in Thamisia amoveantur ubicunq; fuerint in Thamisia, & ne de cætero Kidelli alicubi ponantur in Tamisia. Quietum etiam clamavimus omne id quod Custodes Turris nostræ Londoniæ, annuatim percipere solebant de prædictis Kidellis—— Quare volumus & firmiter præcipimus ne aliquis Custos prefatæ Turris aliquo Tempore post hoc aliquid exigat, ab aliquo. Nec aliquam Demandam aut Gravamen five Molestiam alicui inferat occasione prædictorum Kidellorum—— Satis enim nobis constat & per venerabilem Patrem nostrum Hubertum Cantuar' Archiepiscopum, & per alios fideles nostros nobis sufficienter Datum est intelligi, quod maximum detrimentum & incommodum prædictæ Civitati nostræ L. nec non & toti Regno nostro occasione Kidellorum illorum proveniebat quod ut firmum & stabile perseveret imperpetuum præsentis Paginæ inscriptione & Sigilli nostri appositione communivimus.

His

• His Testibus Huberto Cant. Archiepiscopo, J. Comite Moritonix, Ran. Com. Cestriz, Rob. Com. Leicestr. W. Com. Arundel. W. Com. Mareschallo, W. de Sancta Maria Ecclesia, Petro filio Hereberti, Matthæo Fratre suo, Sym. de Kyma, Seherio de Quinceo. Data per manum Magistri Eustachii Sarum Decani Vices Cancellarii tunc agentis apud Insulam Andeliacam 14 Die Julii Regni nostri Anno Octavo.

There is also in the Tower, an ancient Charter of King John granted to the said City in the first Year of his Reign, and is almost the same (except the King's Stile in the plural Number) with that of H. 2. before recited, only at (a) ibid, insert (neque in Portsocha) and after (b) say, & omni alia Consuetudine per omnes Terras nostras citra mare & ultra) and at (c) add (Henrici Patris) and for (tota Anglia) at (d) say aliquam terrarum nostrarum citra mare vel ultra, five in Portubus maris citra vel ultra) &c. Testibus Huberto Cant. Arciepiscopo Cancellario nostro. W. London Episcopo, &c. Data per Manum predicti Huberti Cant. &c. apud Sorham. 17 Die Junii Anno Regni nostri primo.

• *Whereon was made this Entry, viz. Cives London dant Domino Regi tria Millia Marcarum pro habenda Confirmatione Domini Regis de Libertatibus suis in Carta & liberabitur Galfrido filio Petri, per sic, Quod si illa tria Millia Marcarum volunt dare, suam Cartam habebunt, sin autem non, Cartam non habebunt.*

In the Writ to the Mayor and Sheriffs of the City of London to elect Members to Parliament 27 E. 3. the Precept is, Quod duos Cives de provectionibus & discretioribus & magis expertis Civibus de Civitate predicta de assensu ejusdem Civitatis sine dilatione elegi faciat; ita quod iidem Cives pro se & Comunitate Civitatis predicta sufficientem Potestatem habent ad tractandum, &c.

The Return endorsed thereon is thus, Nos &c. Elegi fecimus Thomam Leggy & Thomam Dolesey duos Cives Civitatis London de assensu ejusdem Civitatis ad interessendum coram vobis in instanti Consilio, sufficientem Potestatem pro se & Comunitate Civitatis predicta habentes, ad Tractandum, &c.

Et predictus Thomas Leggy attachiatus est per Radulphum de Cauntebridge & Johannem de Herewardstoke.

Et predictus Thomas Dolesey attachiatus est per Thomam Wilchire & Rogerum de Reygate.

Hæc est Responsio Adæ Francis Majoris, & Johannis de Stodey & Johannis Pech Vicecom.

There is a very remarkable Return for this City to the Parliament 12 E. 2. viz. Excellentissimo Principi & Domino suo charissimo Edwardo Dei Gratia illustrissimo Regi Angliæ Domino Hiberniæ & Duci Aquitaniæ Johannes de Wengrave Major Civitatis London. Aldermanni Vicecomites & tota Comunitas ejusdem Civitatis se & sua, Noverit Excellentia vestra Nos assignasse dilectos Concives nostros Johannem de Cherleton Willielmum de Fleet & Rogerum de Palmere vel duos eorum, ac eidem vel duobus eorum plenam & sufficientem Potestatem dedisse per presentes ad faciendum in hoc instanti Parlamento vestro a Die Sancti Michaelis ultimo preterito in tres septimanas apud Eboracum quod de Communi Consilio ordinabitur in Parlamento predicto juxta formam Brevis vestri nuper nobis inde directi, in cujus Rei Testimonium has Literas nostras eidem fieri fecimus Patentes, sigillo Communitatis nostræ predictæ signatæ Dat. London 16 Die Octobris, Anno Regni vestri 12.

The Writ on which this Return is founded, was dated at Nottingham, August 25. and directed only to the Sheriffs of London, (and not to the Mayor, Aldermen, Sheriffs and Community, as the Return intimates) but that must be either a mistake of the Clerk of the Crown, or else was an attempt to stretch the Prerogative beyond its due Limits.

And Note, though the Writ was to elect only two Citizens, yet three are here Return'd, but with a quorum duo, &c. The Writ runs thus, viz.

Edvardus Dei Gratia, &c. Vicecomitibus London. salutem, Quia pro diversis & arduis negotiis nos & statum Regni nostri specialiter tangen' Parliamentum nostrum apud Eboracum a Die Sancti Michaelis in tres Septimanas tenere cum Prelatis, &c. vobis præcipimus, &c. quod de Civitate nostra prædicta duos Cives de Discretionibus & provectionibus, &c. Teste meipso apud Nottingham 25 Augusti, Anno Regni nostri 12.

DIE Mercurii 2 Aprilis 1690. A Petition of Sir Thomas Pilkington, Sir Robert Clayton, Sir Patience Ward, and Sir William Ashurst, Knts, setting forth, That the Members for the said City ought to be chosen only by the lawful Livery Men of the

the severall Companies in the said City, and that on the 19th of *February* last a Common Hall (which consists of the said Livery Men) was summoned for the Election, and a Poll granted to determine the Choice, and a Scrutiny was demanded, but before the same could be ended, the Sheriffs declared the Election in prejudice of the Petitioners, and that the Scrutiny being since ended, the Petitioners are informed the majority of those Voices that had a right to Vote fell on the Petitioners; and praying the Consideration of the House and Relief in the Premises; read and referred.

Die Jovis 17 Aprilis 1690. The House being informed that the Sheriffs of the said City attended at the Door to present a Petition to the House, and the Question being put that the said Sheriffs be called in, it passed in the Negative.

Note.

Die Martis 22 Aprilis 1690. The Bill for Reversing the Judgment in a *Quo Warranto* against the City of *London*, and for restoring the said City to its ancient Rights and Privileges, was read the second time, and resolved on a Debate of the House to be Committed to a Committee of the whole House, and that the House would upon *Thursday* Morning next resolve it self into a Committee of the whole House to consider of the said Bill; and also Resolv'd, That Council be heard upon the said Bill to such points as the House shall direct, and see *Die Jovis 24 Aprilis 1690.* The Debates touching the said Bill.

Die Martis 2 Decembris 1690. A Petition of the Citizens of *London* was presented to the House, and the Question being put, whether the said Petition should be read, the House divided, Yea's 186. Noe's 185. So it was resolved in the Affirmative, and was accordingly read, setting forth,

That the Petitioners conceived and hoped that the late Act of Parliament for Reversing the *Quo Warranto* against the City, would have restored it to its ancient Rights and Privileges, but the contrary happening, the Petitioners beg leave to represent to the House, that notwithstanding the said Act, severall Aldermen of the City made or elected by vertue of Commissions or Charters from the late King *James*, act still as Aldermen under pretence that by some doubtful Expressions they are continued, as well as Ministerial Officers, yet by colour of their assumed Authority, and illegal Proceedings, Sir *Thomas Pilkington* was by them declared and made Mayor, tho' not duly returned by the Common Hall, according to the usage of the City; That by the Contrivance of the said Mayor and Aldermen, Mr. *Leonard Robinson* is imposed on the Petitioners as Chamberlain, notwithstanding, another was duly elected and declared by the Sheriffs, and the Hall thereupon dissolved; That divers Members of the Common Council are illegally excluded, and others (duly elected) refused admittance. That the place of Town Clerk having been vacant three Months and upwards, an Office of great Trust in this City, and only eligible by, and in Common Council, the said Mayor and Aldermen have of their own Authority, appointed severall Persons to the execution thereof against the consent of the Common Council, and constant known Right of the Petitioners. That the Petitioners have not been suffered to meet and consult about the necessary Affairs of the City, according to their ancient Rights and Customs; That a Common Council being Summoned and Assembled the 3d of *October*, many debates arising concerning the Premises, and severall Motions being made, and the majority of the Common Council agreeing, that for settling the Rights of the City, an humble Address should be made to this Honourable House to explain the said Act, and the Question being desired to be put, the said Mayor refused it; and to prevent any such Application, immediately dissolved the Court and went away, and the Petitioners having by these evil practices all their ancient Rights and Privileges invaded, and neither Mayor, Court of Aldermen, Sheriffs, Aldermen, Common Council, Chamberlain, or Town Clerk, as of right they ought to have, and praying the consideration of the House in the Premises.

Burgus de Ludgerthall in Com' WILTS.

1690. *DIE Jovis 3 Aprilis 1690.* A Petition of *Edward Harrison*, Merchant, setting forth, That he was duly elected to serve in this present Parliament for the said Burrough, but that *William Monday*, Jun. Bailiff of the said Burrough, hath unduly Returned another Person, in prejudice of the said Burrough, and the Petitioner's Right, and

and praying the Consideration of the House, and relief in the Premises, was read and referred. Also in the second Session, viz.

Die Jovis 16 Octobris 1690. Mr. *Harrison* revives his Petition to the effect *ut supra*, which was likewise read and referred.

Die Martis 1 Januarii 1694. Ordered, That Mr. Speaker do issue his Warrant 1694. for a new Writ for electing another Burgess for the said Burrough, in the room of *John Dean*, Esq; deceased.

Die Sabbati 26 Januarii 1694. A Petition of *Thomas Neale* the younger, Esq; setting forth, That at the Election of a Burgess to serve in this Parliament for the said Burrough of *Ludgershall*, in the room of *John Dean*, Esq; the Petitioner was duly elected, but that *Edward Earl*, the younger Bailiff of the said Burrough, (as he declared right or wrong that he would) hath returned *John Webb*, Esq; and praying to be heard herein, was read and referred, but nothing done further therein.

Die Luna 1 Decembris 1698. A Petition of *John Webb*, Esq; setting forth, That the Petitioner, with *Thomas Neale*, Esq; and Mr. *Kent*, were Candidates to serve in this present Parliament for the said Burrough of *Ludgershall*, and that the Petitioner was duly elected to be one of the Burgesses for the said Burrough by a majority of Voices fairly obtained, notwithstanding which, *Edward Flory*, the then Bailiff of the said Burrough hath Return'd the said Mr. *Neale* and Mr. *Kent*, in prejudice to the Petitioner, and praying the Justice of the House, and Relief in the Premises, was read and referred to the Committee. 1698.

Die Martis 7 Februarii 1698. Ordered, That the Reports from the said Committee touching the Election for the said Burrough of *Ludgershall* be made upon Thursday Morning next (*Vide postemere*). But 1698.

Die Jovis 9 Februarii 1698. Ordered, That the said Report be made to morrow Morning. And

Die Veneris 10 Februarii 1698. Ordered, That the said Report be made to morrow Morning. And accordingly,

Die Sabbati 11 Februarii 1698. Sir *Rowland Gwyn* Reported from the said Committee, the matter touching the Election for the said Burrough as it appeared to them, and the Resolutions of the Committee thereupon, which he read, &c. and are as follow, viz.

Upon the Petition of *John Webb*, Esq; complaining of an undue Election and Return of *John Neale*, Esq; to serve for *Ludgershall*.

That the Candidates at the Election were Mr. *Kent*, Mr. *Neale*, and the Petitioner, and that upon the Poll there were

For Mr. <i>Kent</i>	—	—	—	71.
For Mr. <i>Neale</i>	—	—	—	58.
For Mr. <i>Webb</i>	—	—	—	47.

But the Petitioner's Council insisted, that they could strike off many of Mr. *Neale's* Voters, and that several corrupt ways had been made use of to gain Votes for Mr. *Neale*, and for that they called

John Hilton, who said, That Mr. *Neale* sent 50 l. to *Ludgershall* by his Servant *Tranham* a little before the last Parliament was dissolved, and that the said *Tranham*, and one *Bullock*, who was Mr. *Neale's* Agent, disposed of it by 10 s. a piece to any Man that would Vote for Mr. *Neale*.

That 2 or 3 days before the Writ came out, the said *John Hilton* himself, and *Richard Hilton*, *Thomas Musler*, *Edward Crouch*, and *Thomas Dewy* receiv'd 10 s. a piece, and that he saw 10 or 12 l. paid at 10 s. a Man; That he himself put down his Mark to a Paper, the contents whereof was a promise to Vote for Mr. *Neale*, and said, he would not have voted for Mr. *Neale* but for the 10 s. he received, tho' he acknowledged he had voted for Mr. *Neale* at a former Election; and that *Isaac Filmoore* and *George Marsh* were refused the 10 s. because they would not set their hands.

Richard Hilton said, That he gave his Brother order to sign for him a Paper that he would Vote for Mr. *Neale*, and that he received 10 s. from his Brother, otherwise he would not have voted for Mr. *Neale*, though he acknowledged he had voted several times formerly for Mr. *Neale*.

Richard Crouch said, That Mr. *Bullock* sent him 10 s. by *Robert Dewy* to Vote for Mr. *Neale*, but he saw no Paper, nor gave any order about setting his Name; That Mr. *Bullock* before he received it told him he would send him some Money, and that if it had not been for the 10 s. he would not have voted for Mr. *Neale*.

E e e

Isad

Isaac Elmore said, That *Bullock*, about three days before the Parliament was Dissolved, offered him 10*s.* if he would sign, but he refused the 10*s.* because he would not promise his Vote, and *Mr. Bullock* said they gave it to none but Friends.

George Noyce said, That *Charles Bullock* promis'd him 10*s.* if he would sign to be for *Mr. Neale*, but he refused, and then *Bullock* told him he should not have it; that he did not see any Body sign; that *Richard Edwards* took 10*s.* and voted for *Mr. Neale* and *Mr. Kent*; and further said, that about three days before the Election he had 20*s.* offered him by *Mr. Beal*, *Mr. Neale's* Friend, to be for *Mr. Neale*, but he the said *Noyce* voted for *Mr. Kent* and *Mr. Webb*.

George Bagnold said, That the Night before the Election, *Mr. Bullock* gave *Thomas Cox* 10*s.* of *Mr. Neale's* Money to throw away his Vote from *Mr. Webb*, and accordingly he voted for *Sir Thomas Kiniberry*.

Coll. Webb, Sen. said, That his Son finding himself disappointed, taxed *Mr. Neale* publickly with giving Money, and *Mr. Neale* said, if you mean by it the giving the 10*s.* a piece, I own it.

That the Petitioner's Council then proceeded to the right of Election, and as to that they called,

Mr. Edward Flory the Bailiff, who produced the original Poll, at the top of which was writ, that before any proceeding was made to the Election, it was declared and agreed by the Freeholders, Leaseholders and other Inhabitants of the said Burrough, and the Candidates at the said Election, that no party not inhabiting within the said Burrough, hath or ought to have any Vote or Voices in chusing the said Burgeses, which Declaration and Agreement was Subscribed by all the three Candidates.

That the said *Flory* said, there was a great many Quere's upon the Poll, that some Persons affirmed the right to be in the Freeholders only, but since his time the Inhabitants have been admitted, and accordingly he made the Return; yet he acknowledged that *Mr. Neale* had a greater number of the Freeholders then the Petitioner; however, the Petitioner said he would Petition.

That four Persons who have Freeholds within the Burrough, but live not within it, viz. *Richard Earle*, *Christopher Newman*, *John Hook*, and *Robert Noyce* would have polled for *Coll. Webb* and *Mr. Kent*, but were refused; and that he has known none but Burgeses sent for to Vote, and has known the Inhabitants at large sometimes refused, and sometimes admitted.

Edward Earle, *John Hilton*, *Richard Hilton*, and *John Batt* who had known *Ludgershall* for a great many Years, especially *Batt* 60 Years) said, That the Right was in those that had Freeholds or Freehold Leases; and *Earle* said, that when he was Bailiff he acted accordingly, only at the *Oxford* Parliament he made a double Return to satisfy *Mr. Neale*, thinking it fittest for the Parliament to determine it; and when *Mr. Chute* stood with *Mr. Neale* in *King Charles the II'd's* Reign, *Mr. Neale* carry'd it by the Freeholders and Freehold Leases; that he had known Out-Freeholders to Vote upon Conteſts, and never deny'd till upon an Election or two last past——*Hilton* said, he had heard his Father (who had been dead 20 Years) say 100 times that he never gave a Vote, having only a Chattle Lease——*Earle* and *Hilton* said, that Out-Freeholders had likewise a right, tho' the Freeholders of the Town pretended to keep them out; and *Hilton* said, that *Mr. Neale* had formerly sent for *John Law*, and *John Batt* and his Son, who were Out-Freeholders, to come to *Ludgershall* to Vote for him.

That to disqualify several Persons that voted for *Mr. Neale*, the Council called,

John Hilton, who said, That *Samuel Marsh*, *Robert Hutchings*, *John Penton*, jun. *Matthew Monday*, *Roger Barret*, *John Penton*, sen. *Richard Blackmore*, *Cullibert Kenton*, *Robert Dewy*, *Edward Joyles*, *Edward Biggs*, *John Lanskett*, *Charles Bullock*, *Even Daniel*, *Edward Ratt*, *John Bettridge*, *Thomas Pascall*, *Thomas Jevy*, jun. were no Freeholders.

That the Council for the fitting Member, *Mr. Neale*, differed with the Petitioner's in point of Right of Election, and urged that the Petitioner was bound by his own Agreement before the Election, and also produc'd a Resolution of the House 23 May, 1660, by which the House agreed with the Committee of Privileges and Elections, that the Freeholders and Inhabitants have right to Elect.

That as to the sending down 50*l.* and disposing of it by 10*s.* a piece, *Mr. Neale's* Council did not deny but that 10*s.* was given to several Persons, but said it was before the Dissolution of the last Parliament, and without any Condition and called,

Richard Fransham, who owned that he carryed down 50*l.* to *Ludgershall* from *Mr. Neale*, with orders to take up Bills and forbid further Expences, and to distri-

bute it amongst the Inhabitants at 10 s. a Man; and that he invited the Inhabitants to a Publick-House, where Mr. Derby, and Mr. Bullock were present. And,

Richard Fransham, John Derby, and Charles Bullock said, That they gave on the 6th of July, to about 70 Persons, 10 s. a piece, but the Money was given to any House keeper indifferently, as a Token of Mr. Neal's Love, and to drink his Health, and none were refused; and that no Agreement was made with any for Votes, or Paper offered to be signed, only Richard Fransham put down the Names of those he gave the 10 s. so that he might give an Account how he had disposed of the Money.

Fransham said that Wince refused to take 10 s. and yet voted for Mr. Neal, and one Muspratt had it, who voted for Mr. Webb, and Mr. Kent—— Bullock said, that Noyce might have had 10 s. but he refused it, saying, he did not know whether he should be for Mr. Neal. That several had it, and voted against Mr. Neal, some had it that voted for him, and others had it that gave no vote. That Fransham left 5 l. in his Hands when he left the Town; and Richard Edwards, and John Daw, received 10 s. a piece of him, after Fransham left Ludgershall, but he distributed to none after that Night, and that Col. Webb made no Objection at the time of the Poll.

Richard Edwards, and John Daw, said they were present when Bullock offered the 10 s. to Noyce, and that Noyce was not asked for his Vote, but Noyce refused, saying he did not know whether he should be Mr. Neal's Friend, whereupon Mr. Bullock told him he might have it however.

John Betteridge, and John Daw said, That after the Poll was ended, and when the Bailiff declared Mr. Neal fairly elected, the Petitioner said, then he had fairly lost it.

That as to corruption by the Petitioner, the Council called Mr. John Newman, who said, Richard Earl, of Chute, proffered to make his Days-work, (he being a Bricklayer) worth two Guineas, if he would vote for Mr. Webb.

Mary Bolston said, her Father had a Vote, and that two or three Days before the Election, the Petitioner in the Streer, offered her a Guinea to engage her Father to give the Petitioner his Vote, but the Petitioner did not shew her the Guinea.

John Daw said, That Col. Webb asked him for his Vote, and then went to his, the said Daw's Wife, being then in the Room, and told her, if her Husband would vote, for him, he would keep his Child, that was the Petitioner's Godson.

John Betteridge said, That two Days before the Election, he was offered by Batt (who used to keep the Petitioner company) a Load of Straw, to be for the Petitioner, but he said he voted for Mr. Neal, and Mr. Kent.

John Newman said, That Col. Webb, Sen. the Night after the Election was ended, bound over 4 that voted for Mr. Neal, without any reason that he knew, viz. himself, Richard Edwards, Edward Crouch, and Pascall.

Richard Muspratt said, He had Mr. Neal's 10 s. given him freely when the rest received; but that he voted for Col. Webb, and Mr. Kent, and saw no body sign any Paper.

That Mr. Neal's Letter was produced by his own Council, writ to Mr. Bullock, dat. 5 July, —98. and read, which was writ in these Words.

Mr. Bullock,

THIS comes to put an immediate end to all expence in the Town, lest any should be made after the Writs come out, which absolutely would spoil all, and it is not known when they will, pray assist the Bearer in taking the Bills from each House for what's past, which I'll pay, but no growing expence. But the better to enable such as will, to drink my Health, I have sent each Voter that will accept it, half a Piece for that purpose. I thank you for your Kindness, and am

Your very loving Friend,

July 5. 1698.

THO. NEAL.

Pray dispatch Fransham so early, that he may come part of the Way back on Wednesday, for he must be here Thursday before Night.

And that upon the whole Matter the Committee came to these Resolutions, viz.

(1.) " That the right of electing Members to serve in Parliament for the Burrough of Ludgershall, in the County of Wilts, is in the Freeholders, and Inhabitants not receiving Alms.

(2) " That

Burgis de Ludlow.

(2.) " That *Thomas Neal*, Esq; is not duly elected a Burgess to serve in this present Parliament, for the Burrough of *Ludgershall*.

(3.) " That *John Webb*, Esq; is duly elected a Burgess to serve in this present Parliament, for the Burrough of *Ludgershall*,

The first Resolution being read a second time, an Amendment was proposed to be made therein, by leaving out, [*the Freeholders and Inhabitants not receiving Alms*] and inserting instead thereof, [*such Persons who have any Estate of Inheritance, or Freehold, or Leasehold, determinable upon Life, or lives within the Burrough.*]

And the same was upon the Question put thereupon, agreed unto by the House.

Resolved, " That this House doth agree with the Committee in the said Resolution so amended; That the right of electing Members to serve in Parliament for the Burrough of *Ludgershall*, in the County of *Wilts*, is in such Persons who have an Estate of Inheritance, or Freehold, or Leasehold, determinable upon Life; or lives within the Burrough.

The second and third Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

Ordered, That the Clerk of the Crown do attend this House upon *Munday Morning*, to amend the Return for the said Burrough: And accordingly,

Die Luna, 13 *Februarii*, 1698. He attended and amended the said Return, by razing out the Name of *Tho. Neal*, Esq; and inserting the Name of *John Webb* instead thereof.

Burgis de Ludlow, in Com' SALOP.

1689. *DIE Luna*, 24 *Martii*, —89. A Petition of *Fiton Gerrard*, and *Francis Lloyd*, Esq; setting forth that the Town of *Ludlow* being a Burrough by prescription, was incorporated by King *Eward* the 4th, in the first Year of his Reign, That the late Chancellor *Jesseries*, when Chief Justice of *Chester*, extorted a Surrender from the Town of all its Powers of electing Bailiffs, Aldermen, and other under Officers, down to the very Attornies of the Town-Court, which was afterwards acknowledged and enrolled by one *Cole*, as Head Bailiff, tho' he was then out of Office, and another sworn in, whereupon King *James* 2. incorporated the said Town by the Name of Mayor, Aldermen, and Common-Council-Men, (when as before it was incorporated by the Name of Bailiffs, Burgesses, and Commonalty) with reservation of a Power to remove such Officers at pleasure, and confining Elections of Members to serve in Parliament, to a select Number of 12 Aldermen, and 25 Common Council-Men, contrary to all former Custom; and that the said late King, in order to restore the said Town to its ancient Privileges, removed the Mayor, and all other the Members and Officers of the said New-Corporation. But that Mr. *Francis Charlton* assumes the Mayorship by colour of the new Charter, tho' dissolved, and by Combination with the present Sheriff, having the Precept directed to him, proceeded to Election by the New-Corporation-Men, and about 28 Burgesses made by colour of the New Charter, about the time of the last Prorogation, and hath return'd his own Brother in Law, *Tho. Hanmer*, Esq; and *William Gower*, Esq; as Members, though the Petitioners on the same Day were fairly chosen before the Bailiffs, by the unanimous consent of the Voices which were qualified by the virtue of the ancient Charter, and the Bailiffs made an Indenture of return to the Sheriff, who refused to accept thereof, but took the same and tore it; and praying Consideration and Relief, &c. — Read and referred.

1690. *Die Luna*, 6 *Octobris*, 1690. In the next Session the said Petitioners renewed their Petition, viz. That tho' they were returned by the proper Officers and Electors of *Ludlow*, to the Sheriff of *Salop*, yet at the Instigation of *Francis Charleton*, who pretends a Right of Return, by colour of the late King *James*'s Charter, contrary to the Right and Custom of the Town, he hath returned *Tho. Hanmore*, and *William Gower*, against right, and praying, That these being Matters which relate to the right of Return, and their Charter; and that who are the proper Officers and Electors may be heard at the Bar of the House. — Read and referred to the Committee.

Die Martis, 14 *Octobris*, 1690. A Petition of the Inhabitants of the said Burrough of *Ludlow* was presented to the House and read, complaining of an undue Election, but

but the Petitioners not having complain'd in the beginning of this Parliament, no Order was made thereupon, nor any thing done in it.

Die Luna, 22 Decembris, 1690. Mr. Gray reported from the Committee of Privileges and Elections, to whom the Matter touching the Election for the said Burrough of Ludlow, upon the Petition of the said *Fitton Gerrard*, and *Francis Lloyd*, Esq's, complaining of the return of *Tho. Hanmore*, and *William Gowre*, Esq's, as follows, viz.

That the Burrough of Ludlow is a very ancient Corporation, and in Ed. 4. time, was incorporated by the Name of the Bailiffs, Burgeses, and Commonalty of Ludlow, with a Grant, *Burgensibus Villa de Ludlow*, to send Members to Parliament.

That this Corporation being served with a *Quo Warranto*, did on 27 October, 26 C. 2 by Deed under their Common Seal, make a Surrender of their Franchises, *Richard Cole*, and *Rowland Ersley*, then Bailiffs, on the 28 October, is the Time for electing Bailiffs in the said Burrough, and *John Bowdler*, and *George Houghter*, were then elected and sworn Bailiffs. This Surrender was afterwards, viz. the 5th of November following, acknowledged before Sir *Matthew Cook*, a Master of Chancery, and inrolled as of that Day.

That afterwards the late King *James*, in the first Year of his Reign, granted to the said Burrough a Charter, and constitutes a Mayor, and therein names their first Officers, and appoints the Election of Officers, and particularly of Burgeses to Parliament, to be by 12 Aldermen, and 12 Capital Burgeses. And in the said Charter there is reserved to the said King, a Power, by any Order or Direction signified to the Lord President of the Council of Wales, to remove any of the Officers named in the Charter, or thereafter to be elected, and so often as the Lord President upon any such Order or Direction should declare such Officers to be removed, they should be, *ipso facto*, removed accordingly.

In execution of this Power, King *James*, by writing under his Sign-Manual, Dated 11 November, 1688. did require the Lord President to remove and displace all the Officers, that so the then Corporation might be dissolved. One *Smallman*, with other Members of the ancient Corporation, carry'd this Writing to the Duke of Beaufort, then Lord Lieutenant.

That *Smallman* said the Duke of Beaufort then delivered him a Letter, directed to Sir *Job Charlton*, then Recorder of Ludlow, which the said Duke said would do their business. In this Letter was inclosed, as they perceived, a Paper with a Seal, but the Paper was not shewn to them.

That they delivered this Letter to Sir *Job Charlton*, but he refused to open the Letter before them, nor did proceed to act any thing then in dissolving the Corporation; that afterwards Sir *Job* asked him, why he would destroy a Mayor Corporation: That afterwards he, with some others, went again to the Duke of Beaufort, and thereupon the Duke by Writing under his Hand and Seal, dated the 10th of December, 1688. (which was produced to the Committee) taking notice of the said Order and Direction of King *James*, under his Sign-Manual, did actually, (in obedience to the same) remove and displace the said Officers.

That it also appeared that the old Bailiffs had returned the Members to this House in the Convention.

That the Precept on this Election was directed to *Francis Charlton*, Esq; Mayor of Ludlow, who is Mayor under King *James's* Charter, and the Election and Poll was ordered by the Mayor, but it was agreed on by the Poll so taken by the Mayor, that the fitting Member had the majority of the old and new Burgeses, made before, as well as after King *James's* Charter.

Whereupon the Committee came to these Resolutions, as their Opinion, viz.

- (1.) " That the new Charter, granted to the Town of Ludlow, by the late King *James*, whereby the ancient Method of electing Burgeses for Parliament, is altered, is illegal and void.
- (2.) " That *Thomas Hanmore*, Esq; is not duly elected a Burgess to serve in this present Parliament, for the said Burrough of Ludlow.
- (3.) " That *William Gowre*, Esq; is not duly elected a Burgess to serve in this present Parliament, for the said Burrough of Ludlow.
- (4.) " That *Fitton Gerrard*, Esq; is not duly elected a Burgess to serve in this present Parliament, for the said Burrough of Ludlow.
- (5.) " That *Francis Lloyd*, Esq; is not duly elected a Burgess to serve in this present Parliament, for the said Burrough of Ludlow.

To each of which Resolutions the House agreed— And ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing of Burgesses to serve in Parliament for the said Burrough of Ludlow.

1691. *Die Martis, 31 Martij, 1691.* A Petition of *Thomas Hanmore*, and *William Gowre*, Esq^s; against the return of *Col. Titus*, and *Francis Lloyd*, by the Bailiffs for Ludlow, in injury to the Petitioners, &c.

Die Jovis, 22 Octobris, 1691. Another Petition of the said *Tho. Hanmore* and *William Gowre*, Esq^s; setting forth, That on the 14th of *Jan.* last, they were duly elected for the said Burrough of Ludlow. But that the Bailiffs of the said Burrough have returned *Col. Titus*, and *Francis Lloyd*, Esq^s; and rejected the Petitioners: And praying the Consideration of the House, and Relief in the Premises. Read and referred.

Die Jovis, 3 Decembris, 1691. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for Ludlow be made upon Tuesday Morning next, at 10 a clock.

Die Martis, 8 Decembris, 1691. Mr. Serjeant *Trenchard* reported from the Committee of Privileges and Elections, the Matter of the said Election, referred to the said Committee, upon the Petition before recited, viz. That the Committee have examined the Merits of the Election, and find the Case was thus.

The ancient Government for the Burrough of Ludlow, is by the 12 and 25, which they called their Chamber.

Anno 26, Car. 2. The Franchises of this Town were surrendred, and a new Charter granted by King *James*, in the first Year of his Reign with the reservation of a Power to himself to remove and displace any Officer, by his privy Signer, directed to the Lord President of *Wales*.

Anno 1688. According to the Power reserved, the King removes all the Officers, and restores the ancient Corporation.

It was moved whether the Burgesses under the new Charter had Votes, but it appearing they were made free after the dissolving of the Charter, they were waved of either side.

As to the Right of Election, it was alledged that the Right was in the Chamber consisting of 37, and in the Burgesses, as well *non Resients*, as *Resients*.

Kettleby, Cole, Powys, Gore, &c. testified, that he had been present at several Elections, and that the *non Resient* Burgesses had been admitted to poll as well as the *Resient*.

It was alledged for the sitting Member, That the Right was in the Chamber, and *Resient* Burgesses only.

John Colebatch, an ancient Burgess and Inhabitant, testified, That he was present at the Election of the Burgesses for the Convention in 1660, and for the Parliament in 1661, and that the *Resient* Burgesses were only admitted to vote, but that since the Year 1679, the out Burgesses had voted contrary to ancient Custom.

There was likewise produced a Resolution of this House, 14 C. 2. That all the *Resient* common Burgesses of the Town of Ludlow have right of Election, as well as the 12 and 25.

As to the Poll, *Kettleby* and *Beefton* testified, That they took the Poll for the Petitioners, and that of the old Burgesses, Mr. *Hanmore* had 41. *Gowre* 39. *Lloyd* 32. and *Col. Titus* 25.

Mr. *Smallman*, the Town-Clerk, on the other side, testified, That Mr. *Lloyd* had 57. *Col. Titus* 49. Mr. *Hanmore* 41. Mr. *Gowre* 39. But of those that voted for the sitting Members, and are inserted in their Poll, it appeared that 22, or 23, were made free after the Test of the Writ, which bore date 24 *December*, and they were made free the 26, or 27, so that the main Question seemed to be whether those that were made free had a precedent Right, and whether they were qualified to vote in this Election.

Richard Cole, and *Rowland Eresby* testified, That the Sons of Freemen and such as marry Freemens Daughters, pretended a Right to be made free, but that they applied themselves to the Chamber by Petition, and that the Chamber had a Right to admit or reject them, as they thought fit: That they paid a Fine for their Freedom, and that they had known several rejected; that by the Usage no Admission could be made unless 19 of the Chamber were present, and that at this Admission there was not that number.

John Colebatch, and *Richard Smallman* testified, That the Sons of Freemen, and such as had married Freemens Daughters, had a Right to be made free; that they applied themselves to the Chamber by Petition, and paid a small Fine certain, viz. 16 d. for a Freeman's

Freeman's Son, and 3 s. 4 d. for him that married a Freeman's Daughter; that the Chamber had no right to reject them, if they were so qualified, that they never knew it done but twice, and then upon private interest, and it was looked upon as an injury; that the Chamber met the 26th of December, after the Test of the Writ, to fill up the Chamber, 9 of them being dead since the surrender of the Charter, and some of the Survivors refused to act with them; that those Freemen were admitted the 27th, when above 20 of the old Chamber were present, and that of the 23 Burgesses in Question, 20 were qualified as Freemens Sons, or Marrying Freemens Daughters.

There was also produced the Charter of 1 E. 4. incorporating the Town of Ludlow, and there appeared no Clause in it requiring 19 of the Chamber to be present at the admission of Freemen, or at doing any other act, as in Common Council; and that on the whole Matter the Committee came to the following Resolutions, as their opinion, viz.

1. That *Silas Titus*, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of Ludlow in the County of Salop.

2. That *Francis Lloyd*, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of Ludlow in the County of Salop.

The first Resolution being read a second time, and the Question being put, that the House do agree with the Committee. The House divided, Yea's 191. Noe's 145. So resolved in the Affirmative.

The second Resolution being read a second time, and the Question being put, that the House do agree with the Committee, therein resolved in the Affirmative, without a Division.

Die Luna 25 Novembris 1695. A Petition of *Francis Lloyd*, Esq; (a blank in the Journal) complaining of an undue Election and Return for the said Burrough of Ludlow, was read and referred. 1695.

Die Jovis 16 Januarii 1695. Ordered, That Mr. *Lloyd* be at liberty to withdraw his Petition, touching the Election for the said Burrough of Ludlow.

Die Luna 12 Decembris 1698. A Petition of the Honourable *Thomas Newport*, Esq; setting forth, That at the last Election of Members to serve in this present Parliament for the said Burrough, several Burgesses offered to Poll for the Petitioner, but were refused, and others who had no Vote, and objected against by the Petitioner, were polled for Mr. *Gower*, who is returned to the manifest prejudice of the said Burrough and the Petitioner, and praying, the Relief of the House in the Premises, was read and referred to the Committee. Also, 1698.

A Petition of *Thomas Farmer* and other Burgesses of the Town of Ludlow, setting forth, That by ancient Customs of the said Town, every Son, and the Husband of every Daughter of a Burgess, hath a right of Burgessship within the said Corporation; and upon request to the Bailiffs, Aldermen and Common Council of Ludlow, have been always admitted and Sworn Burgesses; that the Petitioners are under those Qualifications, and long since (by their several Petitions, as in like Cases) requested to be admitted Sworn Burgesses of the said Town, but were refused the same; and on the 30th of July, 1698. they went to give their Votes for Members to serve in this present Parliament, but they were refused to Poll, altho' they demanded it in behalf of Mr. *Newport* against Mr. *Gower*, who is returned as a Representative for the said Burrough to their manifest prejudice, and praying the Consideration of the House, and relief in the Premises, was read and referred to the Committee.

Die Mercurii 1 Martii 1698. Sir *Rowland Gwyn* Reported from the said Committee, the matter as it appeared to them, touching the Election for the said Burrough, and the Resolutions of the Committee thereupon, viz. upon the Petition of *Thomas Newport*, Esq; and also upon the Petition of several Burgesses of the Town of Ludlow, complaining of an undue Return for the said Burrough. 1698.

That upon the Poll there was { For the Sitting Member—89.
For the Petitioner—82.

But the right of electing for the said Burrough being in the Burgesses, the Council for the Petitioner insisted, that the Sons of Burgesses, and such as married Burgesses Daughters, have a right to demand to be made Burgesses, and that several Persons to the number of about 34, who had a right to be made Burgesses, demanded their right, but were not admitted, and offered to Poll for the Petitioner, but were refused.

That as to the right of Election, it appeared by the Evidence, that heretofore the right of Election was in the 12. and 25. sometime after the Election was by the Sworn

Sworn Burgeses inhabiting within the Town; but in 1697 Mr. *Baldwyn* stood, and was elected by the 12. and 25. and Sworn Burgeses at large, and the House then agreed that Mr. *Baldwyn* was duly elected, since which time the electing of Burgeses to serve in Parliament have been by the Sworn Burgeses at large.

That as to the method of making Burgeses, it appeared they were generally made upon Petition; and that there were three Considerations of making Burgeses upon such Petitions.

That the common Form of a Petition for a Burgeses Son, was to set forth, That he was Son of such a Burgeses, and praying, that he might be admitted a Burgeses for the accustomed Fee; and upon admitting such a Burgeses he pays 1 s. 4 d. but there was one instance of such Burgeses's paying 3 s. 4 d. which was on the 14th September, 1695.

That the common Form of a Petition for one that Marries a Burgeses Daughter was to set forth, That he had married such a Burgeses Daughter, and praying to be admitted for the accustomed Fee, and upon admitting such a Burgeses, he pays 6 s. 8 d.

But the Form of the Petition of any other Person not so qualified, was to admit him a free Burgeses upon such Considerations as should be thought fit, and such Person upon his being admitted a Burgeses, pays a Fine at Discretion of the Chamber to 3, 4, 5, or 6 l.

That the first Question before the Committee was, whether the Sons of Burgeses, or those who marry Burgeses Daughters, have a right to be made Burgeses of Ludlow.

And this question seem'd to arise from the Practice of that Burrough, which was to admit Burgeses Sons, and those that married Burgeses Daughters upon Petition, which Petitions are drawn by the Town Clerk, and by him deliver'd to the head Bailiff.

It was also Testified, That if the Person has the Benefit of his Petition, and be made a Burgeses, the said Petition is presented to the Chamber, whereof there must be 19 present to Elect a Burgeses, who upon the Question do elect or admit persons so qualified, and no instance was given of such Persons refused, except one or two.

But sometimes the head Bailiff does Pocket these sort of Petitions, and so they are not presented, pretending, That as he has a right of calling a Chamber, so of bringing what business he shall think fit before them.

And Mr. *Smallman* said, That before King *James's* time he never knew above 2 or 3 in a Year refused, and this Year there was above threescore Pocketed and not presented by the Head Bailiff; and no Person did say, that they ever remembered any Person polled, but Sworn Burgeses.

Edward Robinson, a Witness for the Petitioner, said, he had known several Burgeses admitted, and that some paid more than 1 s. 4 d. and that he has known it put to the Vote of the Chamber, whether admitted, or not.

That for the sitting Member was called,

Richard Cole, who came into the Corporation in 1660, and said, that he knew several Petitions by such as were Burgeses Sons, or had married Burgeses Daughters refused; but could not give any particular instance; however, upon looking into the lesser Ledger Book, fol. 85. it is entered ult. Junii 1695, thus, viz. This Day *Thomas Rice*, *John Phelps*, and *Joseph Pearce*, having severally a Right, were severally admitted Free Burgeses of this Corporation, paying the accustomed Fees; but Mr. *Cole* said, that the Petitioners did not set forth any Right, and that the Question in the Chamber was only whether such a one should be admitted, and that the Petitioner must have the majority by 19, or else his Petition was rejected, and that he took it to be the right of the Corporation to Elect.

Mr. *George Long* said, he had two Sons admitted Burgeses upon Petition, who paid 3 s. 4 d. and a Bottle of Wine, and that 6 or 7 were admitted at the same time upon the same Terms, and that upon the Petition of Burgeses Sons, and those that marry Burgeses Daughters, a Question is put in the Chamber whether such an one shall be admitted, which is carryed by the majority of the Chamber, which must consist of 19 at least, and that they set down what Fine they shall pay, and that *Edmund King* was refused 7 or 8 Years ago, but he could not tell for what reason, and believed Burgeses Sons, and those that married Burgeses Daughters have a right, but that such right was useless without the consent of the Chamber, and that they were Sworn.

Mr. *Charles Pierce* said, when Persons were refused to be admitted Burgeses, it was only endorsed on the Petition, and that the Chamber either refused or admitted as they pleased, and that *Luke York* was refused and never admitted; and that he had search-

ed all the ancient Books, and finds no pretence of right till the 27th of Decemb. 1690. when Mr. *Smallman* was Town Clerk, and a Contest about the Election.

That the smaller *Ledger folio 61.* was produced, whereby it appeared, that the 14th of September, 1695. it was ordered in these words, viz. Then ordered, That *Thomas* and *Edward*, the Sons of Mr. *Roger Powys*; *George*, the Son of Mr. *George Long*; *Nathaniel*, the Son of Mr. *Edmond King*; *William*, the Son of Mr. *William Reynolds*; *Edward York* the Elder; *Richard*, the Son of *Thomas Coates*; *John*, the Son of *Nicholas Carr*, Dr. in Physick, having severally a right to be Burgeses of this Corporation, be admitted accordingly, paying 3 s. 4 d. a piece, the accustomed Fees. And fol. 40 of the same *Ledger* it appears, that the 18th of December, 1652. *Thomas Coates* paid 10 s. and is there said to be admitted for the accustomed Fees.

And Mr. *Pierce* said, That their Orders before their rising are read to the Chamber.

That *Thomas Lowe*, Bailiff, declared, Mr. *Newport* would Poll none but Sworn Burgeses, that he was present with Mr. *Newport*, and Lord *Newport*, the day before the Election, when that Matter was debated, and that *Smallman* gave Lists of Sworn Burgeses only.

Mr. *Baldwyn* said, That he was very conversant in the Corporation, and elected a Burges for Parliament thrice, and never heard till now of a Burgeses Right, as a Burgeses Son, or having Married a Burgeses Daughter; that if the Chamber favours a Burgeses Son to be admitted, they usually pay but 1 s. 4 d. and tho' they set forth in their Petitions that they are Burgeses Sons, 'tis only as an Inducement, but it did not conclude their right; and that above a Year and half since, when Eleven such stood to be made Burgeses, only one of them was made so; and that the Consequence of admitting Burgeses Sons, or such as married Burgeses Daughters, to have a Right, would be, that there would be 800 or 1000 Burgeses more than at present, and the Town Clerk would get 100 l. by it.

And that thereupon the Committee, as to this Point, came to this Resolution, viz. "Resolved, (as their Opinion) That the Sons of Burgeses of *Ludlow*, and those that Marry the Daughters of Burgeses, have a right to be made Burgeses of the said Burrough.

That the next point that came under the Consideration of the Committee was, whether the Petitions presented by Burgeses Sons, or those that married Burgeses Daughters to be made Burgeses, ought to be signed by the Petitioners.

That the Sitting Members Council insisted, that Petitions ought to be signed.

Mr. *Smallman* the Town Clerk said, that not one in a Hundred was signed, and that he knew of no order for signing them, nor any Petitions rejected for not being signed, but the Petitioner's Counsel produced an Order entred in the *Ledger Book, fol. 216. Anno 1663.* in these words, viz. "That no Petitions be presented at any time of meeting, or read, but such only as are drawn by the Town Clerk or his Deputy, or the Town Clerk's allowance, and that Mr. Bailiff, for the time being, be made acquainted therewith, before they be read publicly, and that the same be Subscribed under the Petitioner's hand.

But Mr. *Smallman* said, That he did not remember that Order and the Practice was otherwise, yet he knew of no order to revoke it, and all Persons that come into the Chamber do take an Oath to observe all Orders made or to be made.

Mr. *Richard Brown*, who had been 8 Years Burges, Mr. *John Beeson*, and Mr. *Thomas Savery*, who were of the Chamber, said, That they knew several admitted Burgeses upon Petitions not signed; and the said Mr. *Brown*, who own'd himself no Member of the Chamber, said, they were generally not signed; and Mr. *Savery* said, he had presented Petitions to the Chamber that were not signed.

Richard Brown, jun. who had drawn some few Petitions for the Town Clerk, said, he had known some Petitions put into the Chamber not signed; and *Charles Lloyd* said, That he was Complemented by the Chamber, and made a Burges without signing any Petition.

That for the fitting Member was produced *Richard Cole*, who said, he was present in the Chamber when the order for signing Petitions was made, and that it was always discourd of, and observed as a standing Order; and that if the Chamber discovered there was not a Hand or Mark to any Petition to be made a Burges, or for a Lease, it was rejected; That the Chamber was Sworn to obey Orders, and Sir *Henry Leighton* was an Honorary Burges, and no Fees are taken of Persons of Quality; that the Corporation never granted Burgerships of Right.

Mr. Benjamin Carver said, he had known Petitions not Subscribed, rejected for that Reason, tho' some have been admitted that have been verified to be by the parties consent, but has known Petitions of all sorts rejected.

Mr. Price said, That Persons have always put their Name or Mark to Petitions in his time; that he had not seen the order for Subscribing their Names, but had heard it discours'd of.

Mr. Carver and Mr. Price said, That *Smallman* had threatned to bring Actions against them for drawing Petitions to the Chamber, and told Mr. *Pierce*, that there was an order for that purpose; and Mr. *Pierce*, who is of the Chamber, said, that he had heard the matter of signing Petitions discoursed in the Chamber, and that if they were not Suscribed, they ought to be rejected; and that Mr. *Smallman* was then present; that he knew of no Petitions received that were not signed, and the Reason was, because the Corporation had a great deal of Land, and they would not be imposed upon as to the Person; and further said, that *Brown* the Elder and Younger kept an outward Office, and are not admitted into the Chamber.

Mr. *Edward Kettleby* said, That Mr. *Smallman's* Son told him, his Son must sign a blank Paper for a Petition to be writ over, he having not then time to write the Petition, in order to his being made a Burgefs, and Mr. *Smallman* himself agreed he could not be admitted unless he signed a Petition.

And that thereupon the Committee came to this Resolution, viz. "Resolved, (as their opinion) That every Person having a Right to be made a Burgefs of the Burrough of *Ludlow*, ought to demand such his Right by Petition signed by the Petitioner according to the By-Laws made in 1663, and not otherwise.

That upon these Resolutions, the Council for the Petitioner proceeded to make out his Case, and ist, as to the Right of those that the Petitioner insisted ought to be Polled.

Mr. *Smallman* said, That *Thomas Farmer*, *Robert Waldron*, *Thomas Lewis*, and *Henry Sheppard*, had severally married Burgefses Daughters, and had Petitioned to be made Burgefses once or oftner before the Election; that *William Harding*, *John Symonds*, *Thomas Dymock*, *Luke York*, and 10 others, (in the Report named) were Sons of Burgefses, and had severally once or more Petitioned to be made Burgefses, but two of them appeared to be under Age when they Petitioned.

That as to their demanding to be Polled,

Mr. *Smallman*, *Vernoll*, *Savery*, and *Peach*, said, That in Court, after all the Sworn Burgefses were polled, and before the casting up of the Poll, Mr. *Newport* delivered in a List of several Persons that he demanded to be polled, which Paper was put into the hands of the Town Clerk, who called *Thomas Farmer*, and the said *Farmer* gave his Vote; but upon calling the next there was a great noise and disturbance, Mr. *Pierce* and others leaping upon the Table, by which he was hindred from proceeding; that the Low Bailiff was for polling them, but the High Bailiff against it; that Mr. *Newport* insisted upon it as his Right that they should be polled; and if he could not justify them there, he would justify them in another place, or to that effect.

And *Peach* said, That there were in the Hall when the Poll was taken, ready to Poll for Mr. *Newport* against Mr. *Gower*, the following Persons, viz. *Walter Houghton*, *Samuel Reynolds*, *John Taylor*, (and 13 more in the Report named) and that himself was employed to look after these Men who demanded to Poll, and did speak so loud that they might be heard by the Bailiff, and Mr. *Vernall* endeavoured to bring them up to the Bar, but was hindred therein by one *Whitney*.

Mr. *Vernall* said, That Mr. *Newport* sometime before the Election spoke to him and Mr. *Savery*, and another, to engage such as had a Right to be made Burgefses to be for Mr. *Newport*, and accordingly he spoke to several, some at a distance from the Town, to the number of 20 or 30, and the Night before the Election he made 2 Lists of them, one of which he gave to Mr. *Newport*, and the other to Mr. *Smallman*, of which number were *Thomas Farmer*, *Robert Waldron*, *William Harding*, *John Symonds*, *Thomas Edwards*, *Humphry Blyth*, *William Vernall*, *Luke York*, *Thomas Dymock*, and *Thomas Lewis*, who told him, they had a single Voice for Mr. *Newport*, and when *Farmer* was called, the rest pressed to the Barr, but were hindred by one *Whitney* and *Hatton Hughes*, and that *Whitney* pulled back *Blyth* and struck him with his Elbow, and took him by the Collar, that he can't say they demanded to be Polled, but he talked with them in Court, and that the Paper was delivered to *Smallman* after the Poll was cast up.

Mr. *Thomas Savery* said, That there were present in the Court Hall for Mr. *Newport*, besides those named by Mr. *Vernall*, *Walter Houghton*, *John Taylor*, *Samuel Sharp*, and

and *Peter Grove*, who had a Right, and had petition'd; and that he did see every Man whose Name was subscribed to the Petition of the Inhabitants against Mr. *Gower*, sign the Petition.

That then the Committee heard the Council for the fitting Member, who insisted, that there had been ill Practice in getting of Hands to a Petition, presented in the Name of the Inhabitants against Mr. *Gower*, and called——

Mr. *George Herbert*, and Mr. *Pierce*, who said, that *Ellis* and *William Beddo*, *Henry Sheppard*, *Francis Webb*, *Richard Thomas*, *John Symonds*, *Jos. Lane*, *Peter Crow*, *W. Woodall*, *Richard Cole*, and *Luke York*, being of the number of those that had petitioned the House against the return of Mr. *Gower*, had signed a Paper, which was read distinctly to them before they signed it, which Paper being read in the Committee, appeared to be the Petition before offered in the House, by which Petition they say that Mr. *Smallman* and Mr. *Savery*, about 14 Weeks after the Election, did send for, and persuade the Petitioners to set their Hands to one or more Papers, in order to make themselves Burgeses of *Ludlow*, and deny that they heard the Petition presented to the House read to them, or the Contents thereof told them; and do deny that they offered to be polled, and were refused. And if they had been Burgeses, and had Votes, they would have voted for Mr. *Gower*, and not the Petitioner: And that *Richard Cole*, and all the rest, denied they had signed any Petition against Mr. *Gower*, but had signed a Paper, which they were told, would make them Burgeses, and if they had signed any Petition against Mr. *Gower*, they were imposed upon it by Mr. *Smallman*, and Mr. *Savery*; and said, if they had a Right, they would have been for Mr. *Gower*, and not for Mr. *Newport*.

That *Houghton*, and some others of the Petitioners, who refused to sign the said Petition, said to the same effect as those that had signed it, and *Watkins* gave it as a Reason why he would not sign the said Petition, because Mr. *Smallman* would ruin him.

Wigley said, He was 10 Miles from *Ludlow* at the time of the Election, and being shewn the Petition against Mr. *Gower*, he owned his Name to the Petition, but said it was not read to him; and that Mr. *Smallman*, and Mr. *Savery* desired him to put his Name to it, as to a Paper that would make him a Free-Burges at the next Election.

Mr. *Pierce* said, He took the Poll for Mr. *Gower*, and all the Burgeses were called over by Mr. *Smallman* by a List, and were polled as they stood in their Places in the Hall. That *Farmer* spoke for no body but himself, (as he heard) and claimed, as having married *John Adon's* Daughter, who was disfranchised the 26th of *August*, 1662, which appears by the *Leidger*, but whether that was before or after his Daughter was born, he could not tell—— That he did see Mr. *Newport* offer a List to Mr. *Smallman*, as of Persons to be polled; but Mr. *Newport*, and Mr. *Smallman* would not let the Names be known, tho' desired by him—— That he went upon the Table with his Hat off to compare the Poll, and there was no Noise but of the People crying, *a Herbert and Gower*. That he believes *Farmer* might demand to be polled, but 'twas after the Poll was cast-up: And that the List was also delivered in by Mr. *Newport*, after the Poll was cast-up, and declared, that none demanded to be polled but *Farmer*, nor did any of the Persons insisted on by Mr. *Newport* in the Hall, tho' he was in a Place where he could look over all the Hall—— And Mr. *Smallman* declared it was a fair Election.

Mr. *Baldwin* said, He was in the Court at the time of the Election, and sat upon the Bench: That Mr. *Smallman* called over all that he was satisfied had a Right, viz. the sworn Burgeses by a List, the Copy whereof he had given to Mr. *Herbert*, and Mr. *Gower*, the Night before, and that the Poll was carried on and ended very quietly.

That whether *Farmer* offered to Poll or no, he could not say, but Mr. *Smallman* did not call him. That Mr. *Pierce* went upon the Table, and compar'd the Books, and told Mr. *Smallman*, That Mr. *Gower* had carried it by seven, and that Mr. *Smallman* agreed in the number, That he thought the Paper was given by Mr. *Newport* to Mr. *Smallman*, after the Numbers were cast-up: That whilst the Clerks were correcting the Poll there was no pretence that any others were to poll, nor did he believe any thing more than common Talk was said; and that tho' one of the Bailiffs voted for Mr. *Gower*, yet they were both in the Petitioner's Interest: That upon the whole Matter he thought the Election was fair. And the Bailiffs came to him two Hours after, and were concern'd that the Petitioner had lost it.

That

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That the Petitioner's Council, by way of answer to what was objected, urged, That Mr. *Smallman*, and Mr. *Savery* had, imposed upon several to sign the Petition against Mr. *Gower*—— and called

John Brown, Jun. who deliver'd in three Petitions, and he said they were subscribed by the Parties, and read to them; and by these Petitions *Richard Cole*, *William Woodall*, and *John Symonds* severally complain, that they were imposed upon in the signing the second Petition; they being told it was only to shew that they were not called to give their Votes at the last Election, or that the first Petition was not read to them.

And that upon the whole Matter, the Committee resolved, as their Opinion, " That *William Gower*, Esq; is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Ludlow*.

The first Resolution being read a second time, and the Question being put, That the House do agree with the Committee—— " That the Sons of Burgesses of *Ludlow*, and those who marry their Daughters, have a Right to be made Burgesses of the said Burrough—— The House divided. The *Noes* go forth.

Tellers, { *Mr. Freeman*, and } *Yeas*, 164.
 { *Mr. Brotherton*, }

Tellers, { *Sir John Manwareing*, } *Noes*, 132.
 { and *Mr. Poultney*, }

So resolved in the Affirmative.

The second Resolution being read a second time, Resolved, That the House doth agree with the Committee, " That every Person having a Right to be made a Burgess of the Burrough of *Ludlow*, ought to demand such his Right by Petition, signed " by the Petitioner, according to the By-Law, made in the Year 1663, and not otherwise.

The third Resolution being read a second time, and the Question put, That the House do agree with the Committee—— " That *William Gower*, Esq; is duly elected, &c. The House divided. The *Noes* go forth.

Tellers, { *Sir John Bolles*, } *Yeas* 145. Tellers—— *Noes* 160.
 { *Mr. Perry*, }

So it passed in the Negative.

And a Motion being made, and the Question being put, That *Thomas Newport*, Esq; is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Ludlow*. The House divided. The *Noes* go forth.

Tellers, { *Sir Henry Ashurst*, } *Yeas* 158.
 { *Mr. Pye*, }

Tellers, { *Mr. Bertie*, } *Noes* 142.
 { *Mr. Perry*, }

So it was resolved in the Affirmative.

Ordered, That the Clerk of the Crown do attend this House to morrow Morning to amend the said Return, by razing out the Name of *William Gower*, Esq; and inserting the Name of *Thomas Newport*, Esq; instead thereof. And

Die Jovis, 2 *Martii*, the Clerk of the Crown attending, amended the said Return accordingly.

Burgus de Lymington, in Com' SOUTHAMPTON.

1679. *Die Sabbati*, 17, *Maii* —79. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for a new Writ for electing a Member to serve in the said Parliament, for the said Burrough, in the room of *Bartholomew Bulkley*, Esq; deceased.

1689. *Die Lune*, 24 *Martii*, —89. A Petition of *Thomas Jervaise*, and *Oliver Cromwel*, Esquires, setting forth, That they were duly elected Burgesses for the said Burrough of *Lymington*, yet the Mayor of the said Burrough, contrary to all Justice, hath return'd *Thomas Dore*, and *Richard Burrwood*, Esquires, in prejudice to the Petitioners, &c. was read and referr'd. And in the next Session, viz.

1690. *Die Lune*, 11 *Octobris*, 1690. The same Petitioners renew their Petition, That they were duly elected Burgesses for *Lymington*, in the County of *Southampton*. But that the

the Mayor of the said Burrough hath returned *Thomas Dore*, and *Richard Burrard*, Esquires, &c. Read and refer'd.

Die Veneris, 30 *Octobris*, 1691. The said Petitioners renew their Petition, setting forth that they were duly elected for the said Burrough. But that the Mayor hath return'd *Thomas Dore*, and *Richard Burrard*, Esquires, tho' the Petitioners had the Majority of legal Voices: And praying the Consideration of the House. Read and referred. 1691.

Die Sabbati, 12 *Decembris*, 1691. Ordered, That the Chairman of the Committee of Privileges and Elections, do report the Matter touching the Election for the said Burrough of Lymington, upon Tuesday Morning next.

Die Jovis, 17 *Decembris*, 1691. Ordered, That the Chairman of the Committee of Privileges and Elections, do report the Matter touching the Elections for the Burroughs of Calne, in the County of Wilts, and of Lymington, in the County of Southampton, to morrow Morning, after the Business touching the East-India-Company is over.

Die Veneris, 18 *Decembris*, 1691. Ordered, That the Chairman of the Committee of Privileges and Elections, do report the Matter touching the several Elections for the Burroughs of Lymington, in the County of Southampton, and Calne in the County of Wilts, to morrow Morning 10 a clock.

Die Sabbati, 19 *Decembris*, 1691. Ordered, That the Chairman of the Committee of Privileges and Elections, do report the Matter touching the said several Elections, upon Tuesday sevenight.

Die Martis, 29 *Decembris*, 1691. Mr. Serjeant *Trenchard* reported from the said Committee the Matter touching the Election for the said Burrough, upon the Petition of *Thomas Fervoise*, and *Oliver Cromwel*, Esq; against the return of *Thomas Dore*, and *John Burrard*, Esq; viz. Report.

That the Committee have examined the Merits of the Election, and the Question was, whether the Right of the Election was in the Mayor and Burgeses, or in the Mayor, Burgeses; and Commonalty; for it was admitted, that if it was in the former, the sitting Members, and if in the latter, the Petitioners were duly elected?

For the Petitioners were produced the following Copies of Indentures of Returns for the said Burrough.

26 *Eliz.* The Mayor and 5 Burgeses, and 4 more (in the Return named) and others of the Commonalty elected. The Return under the Common-Seal. And,

28 *Eliz.* 30 *Eliz.* and 43 *Eliz.* *Eadem forma.*

For the sitting Members were produced the following Copies of Indentures of Return for the said Burrough.

1 *Fac.* 1. The Mayor and Burgeses (naming 12) did elect, the Return is under their Seals.

21 *Fac.* 1. The Mayor and 8 (therein named) and other Burgeses, elected, the Return under their Seals.

18 *Jan.* 1. C. 1. Mayor and Burgeses generally elected, the Return under their Seals.

1 *Car.* 1. Mayor and Burgeses generally elected, the Return under the Common-Seal of the said Burrough.

3 *Car.* 1. Mayor and Burgeses elected, the Return under their Seals.

15 *Car.* 1. *Eadem forma.*

16 *Car.* 1. Mayor and Burgeses elected, the Return under the Common-Seal of the said Burrough.

Christopher Cleaves said he had known Lymington 16 or 17 Years, and that in his time the Mayor and Burgeses always elected, and particularly has known Mr. *Burrard* elected four or five times by them, and never knew the Commonalty elect.

'Twas also alledged for the sitting Members, that in the Reign of the late King, a *Quo Warranto* was brought against the Corporation, to which the Mayor and Burgeses pleaded, that they were a Corporation by prescription, and thereupon the King's Council did not think fit to proceed any further in it.

Whereupon the Committee came to these Resolutions following, viz.

1. " That the Corporation of Lymington is a Corporation by prescription.
2. " That the Mayor and Burgeses of Lymington only have the Right to elect Burgeses to serve in Parliament for that Burrough.
3. " That *John Burrard*, Esq; is duly elected a Burges to serve in this present Parliament for the said Burrough.
4. " That *Thomas Dore*, Esq; is duly elected a Burges to serve in this present Parliament, for the said Burrough.

To which Resolutions, the House, on the Question severally put thereupon, agreed.

1695.

Die Luna, 25 Novembris, 1695. A Petition of *John Pitt*, and *William Clerk, Esq'*, setting forth, that on the 20th of *October* last, the Petitioners were duly elected Burgeses for the said Burrough, by the Majority of the legal Electors, but the Mayor of *Lymington* hath unjustly returned *John Burrard*, and *Thomas Dore, Esq'*; and praying the House will take the Premises into Consideration; was read, and referred to the Committee of Privileges and Elections.

Die Jovis, 13 Februarii, 1695. Ordered, That the Report from the said Committee, touching the Election for the said Burrough be made upon *Tuesday* Morning next—— And accordingly,

Die Martis, 18 Februarii, 1695. Col. *Granville*, reported from the said Committee the matter of the Election for the said Burrough of *Lymington*, as it appeared to the said Committee, viz.

Upon the Petition of *John Pitt, Esq'*, and *William Clerk, Esq'*, complaining of an undue Election and Return of *John Burrard, Esq'*, and *Thomas Dore, Esq'*, for the said Burrough of *Lymington*. The Committee have examined the Merits of that Election.

That for the Petitioners it was insisted that *Lymington* was a Burrough by Prescription, and that the Right of Election was in the Mayor, Burgeses, and Commonalty of the said Burrough, paying Scot and Lot.

That on the other side, it was insisted, that *Lymington* is a Corporation by Prescription, and that the Right of Election was in the Mayor and Burgeses only.

And it was agreed, that if the Right was as it is alledged by the Petitioners, that the Petitioners were elected; and that if the Right was as is alledged by the sitting Members, that the sitting Members were elected.

That to prove the Right in the Mayor, Burgeses, and Commonalty, the Petitioners produced several Returns, viz.

26 *Eliz.* Which says, the Mayor and 5 Burgeses, and 4 more in the Return named, and others of the Commonalty elected.

23 *Eliz.* Which says, the Mayor and 5 Burgeses, and 4 more in the Return named, and others of the Commonalty elected.

30 *Eliz.* Which says, the Mayor and 5 Burgeses, and 4 more in the Return named, and others of the Commonalty elected.

39 *Eliz.* Which says, the Mayor and 5 Burgeses, and 4 more in the Return named, and others of the Commonalty elected.

43 *Eliz.* Which says, the Mayor and 5 Burgeses, and 4 more in the Return named, and others of the Commonalty elected.

That for the sitting Members to prove the Right of Election in the Mayor and Burgeses, only was produced the following Returns, viz.

1 *Jacobi*, Which says, the Mayor, and 13 Burgeses, therein named, elected the Return under their Seals.

21 *Jacobi*, The Mayor, and 8 therein named, and other Burgeses, elected.

18 *Jan.* 1 *Car.* 1. The Mayor and Burgeses generally elected, the Return under the Common-Seal.

12 *April*, 1 *Car.* 1. Mayor and Burgeses elected, the Return under their Seal.

3 *Car.* 1. Mayor and Burgeses elected, the Return under their Seals.

15 *Car.* 1. Mayor and Burgeses elected, the Return under their Seals.

16 *Car.* 1. Mayor and Burgeses elected, the Return under their Seals.

That further to prove *Lymington* a Corporation by Prescription, the sitting Members produced two ancient Deeds, viz. dated *Die Veneris in Festo St. Cuthberti, 7 E. 3.* being a Grant from the Burgeses and Community of the Town of *Southampton*, to *William Littlecare*, and *Roger Gist* of *New-Lymington*, and the Burgeses of the said Town, and their Successors, of certain Privileges.

That the other Deed was dated 10 *H. 4.* and was a Grant by *Robert Draper*, (who is called *Prepositus*) *Novae Lymington*, and the Burgeses of the said Town, of a piece of Land to *John Pepwhit*, his Heirs, and Assigns, this Grant was under the Common-Seal.

And that upon the whole matter, the Committee came to these Resolutions, as their Opinion, viz.

1. " That the Right of electing Burgeses to serve in Parliament, for the said Burrough of *Lymington*, is not in the Mayor, Burgeses, and Commonalty of the said Burrough, paying Scot and Lot.

2. " That

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2. "That the right of electing Burgesses to serve in Parliament for the said Burrough of *Lymington*, is only in the Mayor, and Burgesses of *Lymington*, exclusive of the Commonalty paying Scot and Lot.

3. "That *John Burrard*, Esq; and *Thomas Dore*, Esq; are duly elected Burgesses to serve in this present Parliament for the said Burrough of *Lymington*.

And the said several Resolutions were on the Question severally put, agreed unto by the House.

Die Mercurii 18 Maii 1697. Ordered, That Mr. Speaker do issue his Warrant for making a new Writ for electing another Member to serve in this present Parliament for the said Burrough of *Lymington*, in the room of *John Burrard*, Esq; deceased. 1697.

Lincoln County.

DIE Mercurii 2 April 1679. Vide *Preston*. 1679.

Burgus de Maidstone in Com' KENT.

DIE Lune 10 Februarii 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for electing a Burgess to serve in this present Parliament for the said Burrough of *Maidstone* in the room of *Sir Thomas Taylor*, Baronet, deceased. 1695.

Burgus de Malden in Com' ESSEX.

DIE Mercurii 19 Martii 1679. A Petition of *John Lamot Honeywood*, Esq; complaining of an undue Return of *Sir John Bramstone*, Baronet, to serve in this Parliament for the said Burrough, in injury of the Petitioner, who was duly elected and ought to have been return'd, was read and referred, *sed nul ultra*. 1678.

Die Martis 7 Novembris 1693. Being the 5th Session of the 6 years Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Sir Thomas Darcy*, Baronet, deceased. 1693.

Die Mercurii 13 Decembris 1693. A Petition of *Richard Hutchinson*, Esq; complaining of an undue Election and Return of *Sir Eliab Harvey*, Knt, for the said Burrough of *Malden*, in prejudice of the Petitioner, &c. read and referred.

Die Sabbati 23 Decembris 1693. A Petition of several of the Inhabitants and Freemen of the Town of *Malden* in the County of *Essex*, was Presented to the House and read; and the same relating to the said Burrough of *Malden*, was ordered to be referred to the Committee of Privileges and Elections. And,

Ordered, That the Merits of the said Petition be heard by the said Committee, at the same time that the Merits of the Petition of *Richard Hutchinson*, Esq; touching the said Election, is appointed to be heard.

Die Fovis 18 Januarii 1693. Mr. Bowyer Reported from the Committee of Privileges and Elections, to whom the matter touching the Election for the Burrough of *Malden* in the County of *Essex* was referred, the Case of the said Election as it appeared to the said Committee, which he delivered in, in Writing at the Clerks Table, where the same was read and is as followeth, viz. 1693. Report.

Upon the several Petitions of *Richard Hutchinson*, Esq; and of several of the Inhabitants and Freemen of the Burrough of *Malden*, complaining of an undue Return of *Sir Eliab Harvey* to serve in this present Parliament for the said Burrough, the Committee have examined the Merits of that Election.

That the plurality of Votes upon the Poll was allowed to the sitting Member by 32. But on behalf of the Petitioner it was insisted,

That the Burrough of *Malden* was an ancient Burrough by Prescription, and had Power to make By Laws, and that according to a By Law made there, that all Freemen should pay 5 *l.*; at least 61 of the voters for the sitting Member were not duly qualified, not having paid their 5 *l.*

And in the next place, they said there were irregularities in the Election.

As to the 1st they produced Mr. *William Atwood*, who gave in a Copy of an *Inspecimus* of a Charter of *H. 2. Burgenfibus de Malden*, whereby their ancient Liberties and Privileges which they had in the time of that King's Grandfather were confirmed to them; and he offered an Extract of another Record in the Tower, but that was refused because an Extract only.

He and one *Ezekiel Finch* proved, that there was such a By Law as was alledged made about 23 Years since, and that the 61 voters were made free since that time, and had not paid any Money, but that such sort of Freemen always voted in Elections for Parliament Men.

Thomas Stace, *William Carr*, the Town Clerk, and two others, testified to the same Effect, and that the said By Law was not now to be found, but taken out of the Book, but when or by whom knew not.

Thomas Coc testified, that 10 of the voters for the Petitioner were admitted to their Freedom since the Test of the Writ, whereof 7 voted for the sitting Member and 3 for the Petitioner.

As to the Misdemeanor, &c.

Mr. *Atwood* testified, they could not find the Bailiffs the Morning of the Day of the Election; but meeting with the sitting Member, he promised to give them notice when he would begin, but did not, but they had notice from another.

That when the Petitioner came to the place of Election with his Party, and they cried out a *Hutchinson*, the sitting Member being there threatened to lay them by the Heels.

That an old Man who was for the Petitioner complained of being kicked and misused and no Remedy given.

That after the Poll was ended Mr. *Atwood*, on behalf of the Petitioner, demanded a Scrutiny, which was denied him by the Bailiffs, as that it would take up too much time; this was also proved by others.

Sarah Gower testified, that *Samuel Pond*, a Freeman, gave her 2 *s.* to persuade her Husband, who is a Freeman, to Vote for the sitting Member, and that Mr. *Brown*, one of the Bailiffs that voted for the sitting Member, proffered to give her 10 *s.* before the Poll, and 10 *s.* after, if she would persuade her Husband to Vote for the sitting Member, but did not give her any Money; that she likewise said, that (nameless) would give *John Fennings*, her Brother, another Freeman, a Coat and a pair of Breeches if she would persuade him to Vote for the sitting Member, but that both her Brother and her Husband voted for the Petitioner.

On behalf of the sitting Member

It was alledged and insisted on, That he had a majority of Votes by 32, which was not denied.

That all the Bailiffs, Aldermen, and Common Council (but one) voted for him, and most part of the Refient Freemen.

That as to the By Law alledged on the other side, if there were any such, it related only to those that had their Freedom in order to set up some Trade there, and not to honorary Freemen, and yet these had always Votes in Elections of Members to Parliament.

This was also proved by Sir *John Bampfston*, who had known the Corporation many Years, and was High Steward thereof till turned out by Mr. *Atwood*, in the time of the late King *James*.

He also testified, that he had been at many Elections for Members of Parliament, and that those honorary Freemen always voted, and never any dispute made of it, tho' at several of those Elections there were several Competitors and Polls, and so said *William Carr* the Town Clerk.

It was likewise testified by *Carr*, and *Stokes*, that they were at this Election, and thought it fairly carried, and the Poll taken in the same Method it always used to be, viz. the Bailiff first, and then the Aldermen, and then the Common Council, &c.

That

That upon the whole Matter the Committee came to a Resolution which they directed him to Report to the House, and which he read in his place, and afterwards delivered in at the Clerk's Table, where the same was read and is as followeth.

Resolved, "That it is the opinion of this Committee, that Sir Eliab Harvey, Knt. "is duly elected a Burgess to serve in this present Parliament for the Burrough of "Malden in the County of Essex. To which Resolution the House, on the Question, agreed.

Die Veneris 23 Decembris 1698. A Petition of William Fitch, Esq; setting forth, 1698.
That at the late Election for Burgesses to serve in this present Parliament for the said Burrough; Sir Eliab Harvey, Irby Montague, Esq; and the Petitioner, stood Candidates, and the majority of legal voters were for the Petitioner, who ought to have been returned one of the Burgesses for the said Burrough, but by illegal and undue Practises, the Bailiffs of the said Burrough were prevailed upon to Return Mr. Montague instead of the Petitioner, to his Wrong, and praying the Consideration of the House in the Premisses, was read and referred.

Die Veneris 3 Martii 1698. Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for the said Burrough, in the room of Sir Eliab Harvey, Knt. deceased.

Die Jovis 16 Novembris 1699. A Petition of William Fitch, Esq; complaining of 1699.
an undue Election and Return for the said Burrough of Malden, was presented to the House and read, and referred to the Committee.

Die Mercurii 13 Decembris 1699. Ordered, That the Report from the said Committee, touching the Election for the said Burrough, be made to morrow Morning. And accordingly,

Die Jovis 14 Decembris 1699. Sir Rowland Gwyn Reported also from the said Committee, the Matter as it appeared to the said Committee, touching the Election for the said Burrough of Malden, and the Resolutions of the Committee thereupon, which they had directed him to Report to the House, which he read in his place, and afterwards delivered in at the Clerk's Table, where the same was read and agreed unto by the House, and is as follows, viz.

Resolved, "That Irby Montague, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of Malden.

Resolved, Nemine Contradicente, "That no Peer of this Kingdom hath any Right "to give his Vote in the Election for any Member to serve in Parliament.

Burgus de Malmsbury in Com' WILTS.

DIE Martis 1 Aprilis 1690. A Petition of Craven Howard, Esq; and Sir Thomas 1690.
Eftcourt, Knt. setting forth, That they were elected by 11 of the 13 Electors, yet one Elias Ferrars, and the Sheriff, have returned Edward Wharton, Esq; and Sir James Long, and praying a day to be heard to make out their Right of Election; read and referred.

Die Luna 25 Januarii 1691. Ordered, That Mr. Speaker do issue his Warrant to 1691.
the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough of Malmsbury in the room of Sir James Long, Baronet, deceased.

Die Martis 17 Decembris 1696. Goodwyn Wharton, Esq; being elected a Burgess 1696.
to serve in this present Parliament for the Burrough of Cocker-mouth in the County of Cumberland, made his Election to serve for the Burrough of Cocker-mouth.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the said Burrough of Malmsbury in the room of Goodwyn Wharton, Esq; who hath made his Election to serve for the said Burrough of Cocker-mouth.

Die Luna 12 Decembris 1698. A Petition of Craven Howard, Esq; setting forth, 1698.
That Mr. Michael Weeks, and Mr. Edward Pauncesfort, did by several indirect and corrupt Practises of William Adge, an Officer of the said Burrough of Malmsbury, and other their Agents, procured themselves to be returned as Members to serve in this present Parliament for the said Burrough, in prejudice to the Petitioner's Right, who had

Burgus de Marlborough.

a majority of votes duly qualified, and praying that the House will examine and inquire into the said corrupt Practices, and do to the Petitioner as the House shall think fit, was read and referred. Also,

Die Mercurii 14 Decembris, 1698. A Petition of Sir Thomas Skipwith, Baronet, setting forth, That at the last Election of Burgesses to serve in this present Parliament for the said Burrough of *Malmsbury*, Mr. Michael Weeks and Mr. Edward Pauncefort, did by divers illegal and corrupt Practices of William Adge, an Officer of the said Burrough, procure themselves to be Return'd as Members of the said Burrough, in prejudice to the Petitioner's Right, and praying the House to examine into the said corrupt Practices, and to do the Petitioner Right in the Premises, was read and referred to the Committee.

1629. *Die Veneris 24 Novembris, 1699.* A Petition of Sir Thomas Skipwith, Baronet, was presented to the House and read, complaining of an undue Election and Return for the said Burrough; in relation to which Petition the Reports and Resolution of the last Session were read.

And a Motion being made, and the Question being put, That the consideration of the said Petition be referred to the Committee of Privileges and Elections, and that they do examine the matter thereof, and Report the same with their Opinion therein to the House. It passed in the Negative.

Burgus de Malton in Com' YORK.

1677. *DIE Sabbati 16 Martii, 1677.* Sir Thomas Meers reported the Case of the Election for the said Burrough of *New Malton* in Com' York, and the Evidence thereupon, and that the Committee has come to a Resolution as their Opinion, *vis.*

Resolved, That Mr. Keblethwait is duly elected to serve as a Burgess in this present Parliament for the said Burrough of *Malton*.

And the Question being put, to agree with the Committee in the said Resolution, the House divided. The Noes go forth.

Tellers	{	Sir Richard Temple,	}	Noes 47.
		Mr. Palmes.	}	
Tellers	{	Sir John Hotham,	}	Yeas 124.
		Sir John Talbot,	}	

So it was resolved in the Affirmative.

Ordered, That the Clerk of the Crown do attend with the Return for the said Burrough of *Malton*, to take off the Indenture of Mr. Leveson Gower, and amend the said Return.

Burgus de Marlborough in Com' WILTS

1694. *DIE Veneris 11 Januarii, 1694.* *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament, in the room of Sir George Willoughby, Knt. deceased.

1695. *Die Martis 3 Decembris, 1695.* A Petition of Sir Giles Long, Baronet, setting forth, That at the Election of Burgesses to serve in this present Parliament for the said Burrough, the Petitioner, William Daniel and Thomas Bennet, Esqs, stood as Candidates; that the Election was made upon undue notice, many of the Burgesses having no notice of the Election, or were Summoned (as was usual) and many that had a right to Poll were refused to Poll for the Petitioner, and some by threats were terrified to vote against the Petitioner; so that if all that had a right to Vote had been suffered to Vote, as would have voted for the Petitioner, he had had a majority of Voices, and ought to have been returned as a Burgess, instead of the said Mr. Bennet, and praying that the House will take the Premises into Consideration, and do therein as shall be agreeable to Justice, was read and referred.

Burgus

Burgus de Marlow, in Com' BUCKINGHAM.

In Great-Domesday-Book, fo. 152. b. This Town is set under the Title of *Great Terræ Regina Matildis, and so Crown-Land, and by consequence no Burrough*, *Great Domesd.* fol. 152. b.
and is there describ'd only as a great Mannor.

DIE Sabbati, 22 Martii, 1689. The House taking notice by the Book of Returns, 1689. that there was a Return for the said Burrough, as follows, viz.

James Chase, Esq; and *Sir William Whitlock*, Knt. by one Indenture first brought in by the Under-Sheriff, the 4th of March, instant. And,

James Chase, Esq; and *Ralph Bucknal*, Esq; by another Indenture, added afterward by the High-Sheriff, of the 18th instant.

And a Debate arising thereupon, the Question was put, that the same was a double Return. It passed in the Negative; and ordered, That the Indenture, whereby Mr. *Bucknal* was returned be taken off the File; and the Clerk of the Crown was ordered to attend on the *Munday* following, to give an Account of the said Return.

Die Luna, 25 Martii, 1690. A Petition of *Ralph Bucknal*, Esq; setting forth, that he and *James Chace*, Esq; were duly elected by the majority of such Inhabitants as have a Right to vote; and an Indenture of Return was signed and sealed by the Constables, (the proper Officers of the Burrough) and the said Inhabitants, after which, one of the Constables was called out of his Bed, and prevail'd on to sign and seal another Indenture with the other Constable, wherein Mr. *Chace*, and *Sir William Whitlock* were return'd, which first Indenture was delivered to the High-Sheriff, and a Counter-part thereof by him signed and sealed, but the Indenture was not delivered into the *Crown-Office* at the same time with the other Indenture, to the wrong of the Petitioner; and praying Redress; was read and referred. Bur, 1690.

The Clerk of the Crown afterwards attending according to Order *ut supra*, gave an Account to the House, touching the said Returns, and afterwards did, by Order of the House, take off the Indenture of the Return of Mr. *Bucknal* from the File. Yet see

Die Luna, 6 Octobris, 1690. In the next Session, Mr. *Bucknal* renews his Petition, viz. That he and *James Chace*, Esq; were elected for *Great-Marlow*, and were accordingly proclaimed by two of the Constables, who are the proper Officers there, and were also return'd by their Indentures, join'd in by many of the Inhabitants, after which the said Constables, and divers of the Inhabitants, were called out of their Beds, and unduly prevail'd on to execute another Indenture, wherein the said Mr. *Chace*, and *Sir William Whitlock* are return'd in prejudice to the Petitioner, &c. Read and referred.

Die Luna, 17 Novembris, 1690. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the Burrough of *Great-Marlow*, in the County of *Bucks* be made upon *Thursday* Morning next.

Die Veneris, 21 Novembris, 1699. Mr. *Gray* reported from the Committee of Privileges and Elections, to whom the Matter touching the Election for the said Burrough of *Great-Marlow* was committed, upon the Petition of *Ralph Bucknal*, Esq; viz.

That the Question was, Who had the Right of Election?

The Petitioner insisted, the Right was in the Inhabitants and Householders of the Burrough not receiving Alms.

The sitting Member insisted, that the Right was only in such Inhabitants and Householders as paid Scot and Lot.

That as the Poll was taken, the Numbers were thus.

For *Sir William Whitlock*———176.

For Mr. *Bucknal*———171.

That for the Petitioner, *Ratcliffe*, *Cooper*, *Tanner*, *Latimer*, and *Chase*, testified, that for several Elections it had been by the Inhabitants being Householders, not receiving Alms, (except one Election, *Anno* 1680, by Scot and Lot-Men only) and that the Persons now polled were called over by a List, agreed on by the Candidates for that purpose, and they did not hear upon their being polled any Exception to any for not being Scot and Lot Men, and that the Petitioner was proclaimed by the Constables duly elected.

That for the fitting Member were called *Charlton Whitlock*, *Thomas Smith*, *John Guybons*, who testified, That in regard of the Tumult, the Poll was to be taken of such as came, but afterwards to be subject to a Scrutiny: And Mr. *Whitlock* said, he believed the Constables were prevailed on by the Threats of the Bargemen to declare the Petitioner duly elected; but afterwards being satisfied that the fitting Member had the majority of the Scot and Lot-Men, they declared him duly elected.

John Law testified, that the fitting Member had 70 odd, and Mr. *Bucknal* 31, or 32, of those that paid Scot and Lot.

For the fitting Member was also produced a Copy of the *Journal* of this House, the 21 of *December*, 1680, wherein it is resolved, *That the Right of electing, is in the Inhabitants only who pay Scot and Lot.*

That upon the whole matter, the Committee came to the following Resolutions, viz.

1. *Resolved*, " That in the Burrough of *Great-Marlow*, in the County of *Bucks*, " those Inhabitants only which pay Scot and Lot have a Right to give Voices in the Election of Burgesses to serve in Parliament for the said Burrough.

2. *Resolved*, " That *Sir William Whitlock* is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Great-Marlow*.

To both which Resolutions the House agreed.

Burgus de St. Mawes, in Com' CORNUB.

1690. *DIE Martis*, 1 *Aprilis*, 1690. Mr. Speaker acquainted the House, that he had received a Letter from *Henry Seymour*, Esq; who was returned both for *St. Mawes* in *Cornwal*, and *Totness* in *Devon*. that he had elected to serve for the Burrough of *Totness*.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for a new Writ to elect another Member to serve for the said Burrough of *St. Mawes* in his room.

1695. *Die Martis*, 3 *Decembris*, 1695. A Petition of *Hugh Boscawen*, Esq; and others for themselves, and others of the Freeholders and Burgesses of the said Burrough, setting forth, That the Freemen and Inhabitants of the said Burrough have Voices in electing Burgesses to serve in Parliament, and ought to have notice given them by the *Port-Reeve*, of the Day and Hour when he intends to proceed in every Election. But that one *Bennet Hendy*, the present *Port-Reeve*, (without giving notice of the Hour) did, on the 5th of *November* last, soon after it was Day, proceed to an Election, without any notice at all to many of the Petitioners, who have a Right to vote, and by reason of such, and many other his Practices, and by the Intigation of *Sir Joseph Tredenham*, who hath, (by some unheard of Covenants in his Leases to his Tenants, who have a Right to vote) deprived them, (or may if he please) of their Voices, contrary to the Usage of Parliaments. The *Port-Reeve* hath returned *John Tredenham*, and *Seymour Tredenham*, Esq's; as Burgesses to serve in this present Parliament, in prejudice of the Petitioners, and the Rights and Privileges of the said Burrough, for which Reason they conceive the said Election void, and praying that the House will take the Matter into Consideration, and relieve the Petitioners in the Premises, as they shall think fit; was read and referred.

1696. *Die Mercurii*, 4 *Novembris*, 1696. *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to issue a new Writ to the said Burrough, in the room of *Seymour Tredenham*, Esq; deceased.

Die Veneris, 11 *Decembris*, 1696. A Petition of *Philip Meadows*, Esq; presented and read, complaining of an undue Election and Return for the said Burrough, and referred to the Committee.

Die Veneris, 8 *Januarii*, 1696. *Ordered*, That *Philip Meadows* Esq; be at liberty to withdraw his Petition touching the Election for the said Burrough of *St. Mawes*.

1698. *Die Luna*, 12 *Decembris*, 1698. A Petition of *Sir John Hawles*, Knt. and *Hugh Fortescue*, Esq; setting forth, that the Right of electing Burgesses to serve in Parliament for the said Burrough, was always in the Freeholders and Inhabitants thereof, by the majority of whom the Petitioners were duly chosen on the first Day of *August* last; and yet the *Port-Reeve* hath returned *Sir Joseph Tredenham*, and one *John Tredenham*,

Burgus de Minehead.

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denham, Esq; Burgeses for the said Burrough, and praying the Redress of the House in the said Matters; was read and referred.

Die Veneris, 24 *Novembris*, 1699. A Petition of Sir *John Hawles*, Knt. was presented to the House, and read, complaining of an undue Election and Return for the said Burrough, and referred to the said Committee. 1699.

Die Luna, 27 *Novembris*, 1699. A Petition of *Hugh Fortescue*, Esq; was presented to the House, and read, complaining of an undue Election and Return for the said Burrough, and referred to the said Committee.

Die Luna, 5 *Februarii*, 1699. Ordered, That the said Committee be discharged from proceeding further this Session upon the Petition touching the Election for the said Burrough, at the desire of the Parties concerned.

Burgus de Melcombe Regis, in Com' Dorset.

DIE Martis, 28 *Aprilis*, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Nicholas Gold*, Esq; deceased. 1691.

Die Veneris, 4 *Februarii*, 1697. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing another Burgess to serve in this present Parliament, for the Burrough of *Melcombe Regis*, in the County of *Dorset*, in the room of *John Knight*, Esq; expelled this House. 1697.

Burgus de Midhurst, in Com' SUSSEX.

Note, *The Right of Election for this Burrough, is in the Burgage-holders inhabiting there. Vide in the Appendix.*

DIE Luna, 12 *Decembris*, 1698. A Petition of Sir *Henry Peachy*, Knt. setting forth, That the Petitioner was duly elected a Member to serve in this present Parliament, for the said Burrough of *Midhurst*, with *John Lewknor*, Esq; but by undue Practices, Sir *William Morley* hath procured himself to be returned with Mr. *Lewknor*, and praying the House to take the Premises into Consideration; was read and referred. 1698.

Burgus de Milburn-Port, in Com' SOMERSET.

In Great-Domesday-Book, fol. 86. under the Title *Sumerfette Scire, Terræ Regis*, *Great Domesd. fo. 86. a.*
is this Entry— Rex tenet Mileburne, Rex Edwardus tenuit nunquam Geldavit, nec scitur quot hidæ sunt ibi. Terra est 50 Caruc. In hoc Manerio sunt 56. Burgenses qui cum Mercato solvant, 60 s.

Burgus de Minehead, in Com' SOMERSET.

DIE Mercurii, 14 *Maii*, 1690. Mr. *Palmer*, who is return'd as one of the Knights of the Shire for the County of *Somerset*, and also one of the Burgeses for the Burrough of *Minehead*, made his Election to serve for the County of *Somerset*. And ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for making out a new Writ for electing another Burgess to serve for the said Burrough of *Minehead*, in his room. 1690.

Die Jovis, 2 Octobris, 1690. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Election of a Burgess to serve for the said Burrough of Minehead, in the room of Francis Lutterel, Esq; decess'd.

1698. *Die Jovis, 22 Decembris, 1698. A Petition of John Sandford, Esq; together with the Constable, and several of the principal Inhabitants of the said Burrough, on behalf of themselves, and divers others, setting forth, That the majority of legal Electors of Burgesses to serve in this present Parliament, for the said Burrough, declared they would have chose the Petitioner, Mr. Sanford, but by Bribes, Threatning, and other undue Means of Jacob Banks, Esq; a Foreigner, and his Agents, he procured himself to be chosen, and returned, contrary to the Law, and prejudicial to the Privileges of the Burrough, and praying Relief in the Premisses; was read and referred.*

Burgus de Mitchell, in Com' CORNUB.

1689. *DIE Mercurii, 23 Octobris, 1689. Humphry Courtney, Esq; Petitions the House, That he was duly elected a Burgess to serve in Parliament for the said Burrough, in the place of Charles Fanshaw, Esq; decess'd, by the Inhabitants thereof, paying for Scot and Lot, in whom the Right of Election is; but by Contrivance between Peter Campion, Steward of the Mannor of Mitchell, and one Francis Gully, a Return was made to William Bond, Esq; Sheriff of Cornwall, by the said Francis Gully, as Port-Reve, in his own Name, and the Names of all the Burgesses of the Burrough, that they had elected William Coryton, Esq; a Burgess for the same. That Gully was only a nominal Port-Reve, and that Mr. Coryton had not 4 qualified Votes, of which the High-Sheriff being sensible, signed the Petitioner's Return. But the Under-Sheriff, contrary to the High-Sheriff's Order, return'd Mr. Coryton, and praying to have the said undue Practices examined at the Bar of the House, and the undue Return discharged, and the Petitioner admitted, &c. Referred to the Committee of Privileges.*

Mercurii, 4 Decembris, 1689. Ordered, That the said Report of the said Election, be made on Saturday Morning next, at 10 a clock.

Luna, 9 Decembris, Ordered, That the said Report be made on Thursday Morning next. And accordingly,

Report. Jovis, the 12th of December, Mr. Gray, the Chairman of the said Committee reported, That as to the Point, of the Right of Election, the Committee had resolved.

1. "That the Right of Election of Burgesses to serve in Parliament for the said Burrough, is in the Lords of the Burrough, who are liable to be chosen Port-Reves thereof, and in the Householders of the same not receiving Alms.

That for the Petitioner was produced an Indenture, (not return'd) with 27 Names, but it was not insisted, that above 19 of them were present at the Election: And of these 'twas testified, that 5 paid Scot and Lot, and 11 were House-keepers within the Burrough, but that one of the former, and another of the latter sort liv'd both in one House, and the remaining three were not much insisted on.

For the sitting Member was produc'd an Indenture of Return, with 23 Names, and by one Witness disqualify'd 4 more of the Petitioners Votes, and by another prov'd, that 2 more had said, *If they could but have 40 s. they would not vote for Mr. Courtney, but would for Mr. Coryton, but that Mr. Burlace threatened to put them in Prison if they voted for Mr. Coryton, and would forgive their Debts if they voted for Mr. Courtney;* but it was not prov'd that Burlace spake any Words to that effect.

It was also prov'd that Mr. Gully was Port-Reve, and one of the Lords of the Burrough; that 6 of the sitting Members Votes paid Scot and Lot, that 10 others were House-keepers in the Burrough; and that the 6 other Votes kept Shops, &c. but were no House-keepers; and the Petitioner disqualify'd 2 others of the sitting Member's Votes, and that upon the whole Matter, the Committee came to two other Resolutions, viz.

2. "That William Coryton, Esq; is not duly elected a Burgess to serve in Parliament for the said Burrough.

3. "That Humphry Courtney, Esq; is duly elected a Burgess, &c.

The first Resolution of the said Committee being read a second time, was, on the Question, agreed unto by the House.

The second Resolution being read a second time, on the Question for agreeing with the Committee therein. The House divided, *Yeas* 168. *Noes* 139. So resolved with the Affirmative.

The third Resolution being read a second time, on the like Question, the House divided. *Yeas* 176. *Noes* 125. So resolved in the Affirmative.

And then ordered, That the *Port-Reve* of the said Burrough do attend the House on *Tuesday* Morning next, in order to amend the said Return.

Martis, 17 *Decembris*. The Clerk of the Crown attending with the said Return, was called in, and amended the same according to the said Resolutions, by inserting the Name of Mr. *Courtney* instead of Mr. *Coryton*. And being withdrawn, Mr. *Courtney* was introduced into the House, according to the usual Custom.

Martis, 25 *Martii*, 1690. (There having been a new Parliament summon'd and met since the last Determination of the Election for this Burrough) Mr. *Courtney* again petition'd the House, That whereas he was duly elected a Burgess to serve in Parliament for the said Burrough, yet the *Port-Reve* had return'd *Anthony Rowe*, Esq; one who is an utter Stranger, and not known to any of the Electors, but procured his Voices by Bribery, and had dispers'd divers scandalous Libels, reflecting on several Members of the late House of Commons for their Votes therein. And praying the Consideration of the House. Which Petition was then referr'd to the Committee of Privileges.

And *Die Lune*, 6 *Octobris*, 1690, *i. e.* In the next Session, Mr. *Courtney* again petitioned the House, That he was duly elected a Burgess for the said Burrough, yet *Anthony Rowe*, Esq; by many and undue Practices and Bribings, hath procured himself to be returned by the *Port-Reve*: And praying the Consideration of the House, &c. Read and referr'd.

Mercurii, 12 *Novembris*, 1699. Mr. *Gray* reported from the said Committee the Report. matter of the Election aforesaid; and that it was agreed by the Parties concern'd, " That the Right of Election is in the Lords of the said Burrough, who are liable to " be chosen *Port-Reves* of the same, and in the Housholders thereof not receiving " Alms: And that the Numbers on the Poll were:

For Mr. *Rowe* ————— 31.

For Mr. *Courtney* ————— 20.

But one Witness testified, that 7 of those who voted for Mr. *Rowe* were no Housekeepers; and only one of them was justified by Mr. *Rowe*.

And 'twas further testified, that this Election was managed for Mr. *Rowe* by one *J. Atwell*, who offered 6 *l.* to each of those that would vote for Mr. *Rowe*.

And one *Riccard* testified, that he was present the Evening after the Election, when his Father, and 11 others, who voted for Mr. *Rowe*, received 5 *l.* a piece, *viz.* 3 *l.* 18 *s.* 6 *d.* in Silver, and a Guinea for their Wives, and *Soaper* said he had 3 *l.* 18 *s.* 6 *d.* in Silver, and a Guinea for his Wife, and saw others receive the like the Day after the Election.

The said *Atwell* being examined, said, what Money he paid was for Meat, Drink, and Tobacco; that many he had so paid were not yet satisfied. And that he promis'd no Money before the Election.

Whereupon the Committee came to the following Resolutions.

1. " That *Anthony Rowe*, Esq; and his Agents, are guilty of Bribery, in his endeavouring to be elected a Burgess to serve in this present Parliament, for the Burrough of *Mitchel*.

2. " That *Anthony Rowe*, Esq; is not duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Mitchel*.

3. " That *Humphry Courtney*, Esq; is duly elected a Burgess to serve, &c.

Ordered, That the Clerk of the Crown do attend to morrow Morning, with the Return for the said Burrough of *Mitchel*, to amend the same.

Jovis, 13 *Novembris*. The Clerk of the Crown attended, and amended the said Return, by razing out the Name of *Anthony Rowe*, Esq; and inserting the Name of *Humphry Courtney*, Esq; instead thereof.

Die Lune, 2 *Decembris*, 1695. A Petition of *Humphry Courtney*, Esq; and *Thomas Vivian*, Esq; setting forth, That the Petitioners were duly elected Burgesses to serve in this present Parliament, for the said Burrough, that the Return of the Petitioners, (by the *Port-Reve* of the said Burrough) was delivered to the Sheriff of the said County, who affixed the same to the Writ, with the other Returns of that County, and sent the same up by Express to the Clerk of the Crown, that before the said Return

turn was filed with the Clerk of the Crown, two other Indentures were in Town annexed to the said Writ, pretended to be made by the Port-Reve and Burgeses of the said Burrough, by which fictitious Indenture, *Anthony Row*, and *Thomas Dodson*, Esqs, are mentioned to be elected Burgeses, by which ill practices the Petitioners are excluded from their places in the House, and praying that the said fictitious Indenture may be taken off the file, and that the Parties procuring the same may be censured as the House shall think fit, was read and referred.

1695. *Die Sabbati 7 Decembris, 1695.* A Petition of *Anthony Row*, Esq; setting forth, That at the Election of Members to serve in Parliament for the said Burrough, the Petitioner, *Thomas Dodson*, *Thomas Vivian*, and *Humphry Courtney*, Esqs, stood as Candidates, and the Petitioner had the majority of legal Votes, and was returned with the said Mr. *Dodson* by the proper Officer, but Mr. *Vivian* and Mr. *Courtney* procured themselves also to be returned by another Person, who pretended a right so to do; that the said double Return is not yet determined by the Committee of Privileges and Elections, and the time limited by the House for Petitioning, as to the Merits of Elections, being near expired, the Petitioner prays that the House will appoint a time for hearing the Merits of the said Election, was read and referred.

And Note, hereupon it was declared by the House, that in Cases of Double Returns, the Party may (within 14 days after the Returns determined) petition as to the Merits of the Election.

Die Jovis 12 Decembris, 1695. Ordered, That the Report from the said Committee, touching the double Return for the said Burrough, be made upon Saturday Morning next.

Report. *Die Sabbati 14 Decembris, 1695.* Mr. Solicitor General Reported from the Committee of Privileges and Elections, the Case of the Election for the said Burrough; that the Committee hath inspected the Record of the Return for the said Burrough, and had considered the Petition of *Humphry Courtney*, and *Thomas Vivian*, Esqs, relating thereunto. And

That by the Record it appeared, that by one Indenture dated 30th of *October, 1695.* mentioned to be made between the Sheriff of the County of *Cornwall*, and the Deputy Port Reve and Burgeses of *Mitchel*, and signed by *Josias Free* as Deputy Port-Reve, and several of the Burgeses, *Thomas Vivian*, Esq; is returned. And by a like Indenture, *Humphry Courtney*, Esq; is returned. And,

By one other Indenture of the same Date, mentioned to be made between the Sheriff and Port Reeve, and signed by *Timothy Gully* as Port-Reve, and several of the Burgeses, *Anthony Row*, Esq; is returned. And by a like Indenture, *Thomas Dodson*, Esq; is Returned.

That the Committee first examined

Mr. *Chute* the Clerk of the Crown, who said, that the Returns for the County of *Cornwall* were brought to him on *Friday* the 22. of *November*, about 6 at Night; that Mr. *Sherwood* did deliver the Returns to him, and that at the time of the delivery to him, the said 4 Indentures were annexed to the Writ; that Mr. *Row*, and a Person that came an Express with the Returns, were present at the delivery, but by what means the Returns were delayed before they came to him, he could not tell.

But Mr. *Hoblyn*, a Member, informed the Committee, that he was present at the Election, and the High Sheriff was also present, and received the Indenture by which Mr. *Vivian* and Mr. *Courtney* are Returned, and Sealed the Counter-parts of the same Indentures, and that the Sheriff told him, that Mr. *Row* had been with him to Return his Indentures, and so make it a double Return; but the Sheriff told Mr. *Hoblyn*, he had refused Mr. *Row*, saying, he was obliged to Return the Indentures annexed to the Precept.

That Mr. *Manley* and Mr. *Vincent*, Members, also informed the Committee, that the Sheriff had given to each of them the same account of Mr. *Rowe's* coming to him to get his Indentures returned; and that he had answered as before is testified by Mr. *Hoblyn*.

That then the Committee called in the Council, and Mr. *Courtney's* Council insisted, that the Indentures by which Mr. *Row* and Mr. *Dodson* are Returned, were not duly affixed to the Writ, and produced

Mr. *Hoblyn*, who proved the Counterparts of the Indentures, by which Mr. *Vivian* and Mr. *Courtney* are returned, to be executed by the High Sheriff, and said that *Tobias Scollard* being sent with the Returns for *Cornwall* by Express, came to *London* on *Wednesday*

Wednesday Night; that he looked upon them, and that the Indentures whereby Mr. Row and Mr. Dodson are returned, were not sent up with the Indentures brought by Scollard, nor affixed to the Writ till *Friday* after Eleven a Clock.

Mr. Hoblyn said further, that Mr. Gully, the pretended *Port-Reve* that had returned Mr. Row and Mr. Dodson, had left his Country, was outlawed, and lived in *White-Friars*.

That Mr. Row and Mr. Dodson's Council on the other side, produced a Letter from Mr. Courtny, directed to Mr. Gully, and dated the 22d of *October*, 1695. wherein he owned him to be *Port-Reve*, and desired him to sign a Deputation to *Josias Free*; the Draught of the Deputation inclosed in the Letter, was also produced to the Committee.

That on behalf of Mr. Row and Mr. Dodson was also called,

Mr. Gilbert Eyre, who said he was present when Mr. Row desired the Sheriff to return his and Mr. Dodson's Indentures, That the Sheriff did tell Mr. Row he could not do it, because by the Act he was to return the Indentures annexed to the Precept, but at last it was agreed he should carry the Indentures to Mr. Hooker, and he should do as Council advised.

Mr. Hooker said, Scollard came to his House whilst he was at Dinner, on *Thursday* the 21st of *November*, and about $\frac{1}{2}$ an hour after 3 came again, and desired Mony to pay the Fees of filing the Returns; ——— said Mr. Row came to him to annex his Indentures to the Writ, and said he could get it under Council's hand that it might be done, but Council did not think fit to do it, Mr. Row not being able to give them an account of the constitution of the place; that he delivered the Returns to Mr. Sherwood, and ordered him to act as he should be advised; that they went to the Clerk of the Crown, and not meeting with him, they brought back the Indentures to him; that he having received a Letter from the High Sheriff with the returns, by which it was left to him to act as he thought fit, he thinking it best for the Sheriff to annex the other two Indentures, did give order for the annexing of them, and accordingly they were annexed on *Friday* the day the Parliament met in the Afternoon.

That Mr. Tregeagle the High Sheriff's Letter was read, wherein Mr. Tregeagle wrote, that Mr. Row had his Indentures, otherwise he would have sent them, and further, that whatever Mr. Hooker thought fit, he would comply with.

That Mr. Sherwood said, Mr. Hooker did deliver him the returns with directions to advise about them; that he went to the Clerk of the Crown thinking to advise with him but missed of him; that he advised with several Lawyers who were of different opinions in the matter.

That Mr. Hooker afterwards ordered the returns to be opened, and Mr. Row's and Mr. Dodson's Indentures to be affixed in their proper place.

And that upon the whole Matter the Committee came to the following Resolution, as their opinion, viz.

That the Indentures by which *Anthony Row*, Esq; and *Thomas Dodson*, Esq; are returned to serve in this present Parliament for the said Burrough of *Mitchel*, are not duly affixed to the Writ for electing Members to serve in this present Parliament for the County of *Cornwall*.

Ordered, That the Clerk of the Crown do attend upon *Monday* morning next to take off the said Return so unduly affixed.

A Motion being made, and the Question being put, that it be an instruction to the said Committee, that they do appoint a short Day to hear the Merits of the Return and Election for the said Burrough of *Mitchel*.

The House divided, the Yea's go forth.

Tellers	{ Mr. Colt,	} Yea's 148.
	{ Mr. Elwill,	
Tellers	{ Sir John Bolles,	} Noe's 175.
	{ Mr. Manley.	

So it passed in the Negative.

Die Luna 16 *Decembris*, 1695. The Clerk of the Crown attended, and according to order took off the Return of *Anthony Row*, Esq; and *Thomas Dodson*, Esq; for the Burrough of *Mitchel* in the County of *Cornwall*. 1695.

Die Jovis 22 *Octobris*, 1696. A Petition of *Anthony Row*, Esq; was presented and read, complaining of an undue Election and Return for the said Burrough, and was referred to the Committee. 1696.

Die Jovis 26 Novembris, 1696. Ordered, That the Report from the said Committee, touching the said Election and Return, be made upon *Saturday Morning* next. But,

Die Sabbati 28 Novembris, 1696. Ordered, That the said Report be made upon *Monday morning* next. And accordingly,

Report. *Die Luna 30 Novembris, 1696.* Collonel Wharton reported the matter touching the said Election, as it appeared to the said Committee, viz.

Upon the Petition of *Anthony Rowe*, Esq; complaining of an undue Election of Burgeses to serve for the said Burrough of *Mitchel*, the Committee have examined the Merits of that Election.

That in the first place the Committee taking notice, that there was no Council appeared for the said Burrough of *Mitchell*, or for *Mr. Vivian*, who is one of the Burgeses return'd for the said Burrough, they put the Petitioners to prove notice, and for that purpose, on behalf of *Mr. Row*, was called,

Edward Parsons, who said, that on the 10th of *November*, instant, he did read a Copy of the order of the Committee, for hearing the Merits of the Election on the 23d of *November* last, being the day the same was heard before the Committee, in the presence of 25 of the Inhabitants of the said Burrough, but he could not say that *Mr. Fry* the Deputy *Port-Reve*, or *Mr. Vivian* had notice.

But *Abraham Wills* said, That *Mr. Fry* was present at the reading of the Copy of the said Order, but he could not say that *Mr. Vivian* had any particular notice.

Mr. Rowe did not controvert *Mr. Vivian's* Election, so the Question was only upon the Return of *Humphry Courtney*, Esq; deceased.

That on *Mr. Row's* behalf was produced,

Mr. Gulley, who delivered in a Poll which he said he saw taken at the Election of Burgeses to serve in this present Parliament for the said Burrough, which was written at that time by *Mr. Campion*.

Upon which the numbers were thus, $\left\{ \begin{array}{l} \text{For Mr. Rowe} \quad 25. \\ \text{For Mr. Dodson} \quad 14. \\ \text{For Mr. Courtney} \quad 14. \end{array} \right.$

That to prove the Right there was also produced a Resolution of the House, taken *primo Willielmi & Mariae*, "That the Right of electing was in the Lords of the said Burrough, who are liable to be chosen *Port-Reves* of the same, and in the Householders there not receiving Alms. And

Mr. Gulley said, there were none that voted for *Mr. Rowe* who received Alms, and but one that was no Housekeeper.

And there being no Defence made on behalf of *Mr. Courtney*, the Committee came to these Resolutions, as their opinion, viz.

Resolved, "That *Humphry Courtney*, Esq; deceased, was not duly elected a Burges to serve in this present Parliament for the said Burrough.

Resolved, "That *Anthony Rowe*, Esq; is duly elected a Burges to serve in this present Parliament for the said Burrough. But,

Resolved by the House, that the Merits of the said Election be Re-committed. And

Die Martis 12 Januarii, 1696. Ordered, That the Report from the said Committee, touching the said Election so re-committed, be made upon *Saturday morning* next. But,

Die Sabbati 16 Januarii, 1696. Ordered, That the said Report be made upon *Tuesday morning* next. And,

Die Martis 19 Januarii, 1696. Ordered, That the said Report be made upon this Day Seven-night. And,

Die Martis 26 Januarii, 1696. Ordered to be on *Thursday morning* next. And,

Die Veneris 29 Januarii, 1696. Ordered to be on *Friday morning* next. And then, viz.

Report. *Die Jovis 4 Februarii, 1696.* Collonel Wharton accordingly reported the matter touching the said Election, as it appeared to the said Committee, viz.

Upon the Re-commitment of the Merits of the Election for the said Burrough of *Mitchel*, the Committee have met and heard the Witnesses touching the same.

That the Council for *Mr. Row* the Petitioner insisted,

That *Humphry Courtney*, Esq; deceased, was not duly elected; and to prove the Right of Election, they produced an Extraet out of the Journal 12 *Die Decembris* 1. G. & M. by which it was resolved,

That the Right of Election of Burgeses to serve in Parliament for the said Burrough of *Mitchel* aforesaid, is in the Lords of the Burrough, who are liable to be chosen

Port-Reves

That the Petitioners also produced as a Witness,

And the Poll being produced, the numbers polled for Mr. Row and Mr. Courtney were thus:

For Mr. Courney, 14.

And that *Steven Covert* was an Apprentice at the time of the Election, and his said Apprentiship did not expire till two Months after the Election; and being asked if he knew of any Beef distributed by *Mr. Rowe* to the Electors, said he did not know of any, except about *Christmas*: He further said, that *John Tonkin*, who appeared against *Mr. Rowe* about a fortnight before *Christmas*, asked him if *Mr. Rowe* had paid him, and he telling *Tonkin* that he had not been paid at that time, the said *Tonkin* offered him to pay his Charges if he would take his Horse and ride back again; and further said, that 7 of *Mr. Rowe's* voters paid to Church and Poor.

Thomas Tredenham, who said, that he was Collector 2 or 3 Years ago for Newland Parish, (Mitchel lying in Newland and Tillidore Parishes) and that there were not above 3 or 4 Voters for Mr. Rowe that paid to Church and Poor in the said Parish; that several Bullocks had been given by Mr. Rowe about Christmas time in several Years, and a little before this Election Mr. Atwood distributed Beef on Mr. Robert's account; that the Election was sometime before Christmas was 12 Months; but Persons that voted for Mr. Rowe, as well as those which voted for him, received the said Beef.

John Buckingham said, that Beef had been distributed by *Mr. Rowe* about 2 Months or 6 Weeks before last Election; that one *Nichols*, who voted for *Mr. Rowe*, said, that if *Mr. Courtney* would give him as much as *Mr. Rowe* had promised him, which he said was 10*l.* he would Vote for *Mr. Courtney*, and that several that did not pay to Church and Poor voted for *Mr. Rowe*, but acknowledged that 7 of them were Housekeepers, that one received Alms, and another was an Undertenant; he also said as to *Mr. Courtney's* Voters, that *Thomas Harvey*, *Emanuel Pool*, *John Wyn*, *Richard Scovern*, and *Nicholas Bennet*, they did not pay to Church and Poor, but were Housekeepers, and that he was present at the taking the Poll in the Street, and did not see *Gully* there though he looked for him.

Philip Lilly and Abraham Wills said, that Lilly was Gully's Keeper at the time of the Election, and that Gulley did go into the Street at the time of the Poll.

And that *John Parker* also paid to Church and Poor in the said Town.

Resolved, That it is the opinion of this Committee, That *Humphry Courtney, Esq;* deceased, was duly elected a Burgess to serve in this present Parliament for the said Burrough of *Mitchel*.

The House divided. The Noe's go forth.

Tellers {*Mr. Hoblyn,*
Mr. Manley,} Yea's 147. Tellers {*Sir Rowland Gwyn,*
Mr. Mafon.} Noe's 145.

So it was resolved in the Affirmative.

Die Sabbati, 6 Februarii, 1696. Ordered, That Mr. Speaker do issue his Warrant for making out a new Writ for the said Burrough of *Mitchel*, in the room of *Humphry Courtney*, Esq; deceased.

Die Mercurii, 10 Februarii, 1696. Mr. Speaker acquainted the House, that he had received a Letter from Mr. *Vivian*, (who is sick in the Country) that he being chosen a Burgess to serve in this present Parliament, as well for the Burrough of *Fowey*, as the Burrough of *Mitchel*, made his Election to serve for the said Burrough of *Fowey*.

Ordered, That Mr. Speaker do issue his Warrant for making out a new Writ for electing another Burgess for the said Burrough of *Mitchel*, in the room of the said Mr. *Vivian*.

1698. *Die Luna, 12 Decembris, 1698.* A Petition of several of the Inhabitants of the ancient Burrough of *Mitchel*, alias, *St. Michael*, in the County of *Cornwall*, on behalf of themselves, and other Inhabitants of the said Burrough, setting forth, that at the Election of Members to serve in this present Parliament, for the said Burrough, Sir *John Hawles*, Sir *Richard Blackham*, *Anthony Rowe*, and *John Povey*, Esq; stood as Candidates; and Sir *Richard Blackham* was duly elected to serve; but by reason of divers illegal Practices at the said Election, *Frederick Vincent*, Deputy *Port-Reve* of the said Burrough, hath returned Sir *John Hawles*, and Mr. *Povey*, as Burgesses, in great violation of the Petitioner's Right, and praying the House to take the Premises into Consideration; was read and referred. And also,

A Petition of *Anthony Rowe*, Esq; setting forth, that at the last Election of Members to serve in this present Parliament, for the said Burrough, the Petitioner had a very great Majority of legal Votes for him, but the *Port-Reve* of the said Burrough hath unduly returned Sir *John Hawles*, and *John Povey*, Esq; to the prejudice of the Petitioner's Right; and praying the House to take the matter into Consideration, and to give him such Relief therein as the House shall think fit; was read and referred.

Another Petition of Sir *Richard Blackham*, Bar. setting forth, that the Petitioner was duly elected to serve as a Member in this present Parliament, for the said Burrough; but by reason of divers illegal Practices at the said Election, the *Port-Reve* hath, contrary to Right, returned Sir *John Hawles*, and *John Povey*, Esq; as Burgesses for the said Burrough, in great Violation of the Petitioner's Right, and praying the House to take the Premises into Consideration; was read and referred.

1699. *Die Luna, 27 Novembris, 1699.* A Petition of *Anthony Rowe*, Esq; was presented to the House, and read, complaining of an undue Election and Return for the said Burrough, and referred to the said Committee. Also,

A Petition of Sir *Richard Blackham*, Bar. was presented to the House, and read, complaining of an undue Election and Return for the said Burrough, and referred to the said Committee.

Die Veneris, 1 Martii, 1699. The House being inform'd that the Petition of *Anthony Rowe*, Esq; touching the said Burrough of *Mitchel*, presented to the House this Session, is different from the Petition presented by him the last Session.

Ordered, That it be referred to the said Committee to examine whether the Petition of the said Mr. Row, this Session, is the same in substance with his Petition presented the last Session, and report the same to the House; and that the Committee do examine the same before they proceed upon the Merits of the Election.

Report. *Die Mercurii, 6 Martii, 1699.* Sir *Rowland Gwyn* reported from the said Committee the Resolution upon the several Petitions of *Anthony Rowe*, Esq; touching the Election for the said Burrough, which he read in his place, and afterwards delivered in at the Table, where the same was read, and agreed unto by the House, as is as followeth, viz.

Resolved, That the Petition of *Anthony Rowe*, Esq; presented to the House of Commons, this Session of Parliament, touching the Election for the said Burrough, is not the same in substance with the Petition from the said *Anthony Rowe*, Esq; presented to the House the last Session of Parliament, relating to the said Election.

Ordered, That the said Committee be discharged from the said Mr. *Rowe's* Petition.

Burgus de Morpeth, in Com' NORTHUMBERLAND.

DIE Veneris, 4 Novembris, 1692, being the 4th Session of the 6 Years Parliament. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Election of a Burgess to serve in this present Parliament, for the said Burrough, in the room of Charles, Lord Morpeth, now Earl of Carlisle. 1692.

Die Luna, 25 Novembris, 1695. A Petition of Henry Lumley, Esq; setting forth, that George Nicols, Esq; and the Petitioner, were duly chosen Burgesses to serve in this present Parliament for the Burrough of Morpeth, in the County of Northumberland, yet one of the pretended Bailiffs of the said Burrough hath returned the said Mr. Nicols, and Sir Henry Bellasis, in prejudice of the Petitioner's Right, and praying the Consideration of the House in the Premises; was read and referred. 1695.

Die Sabbati, 7 Martii, 1695. Ordered, That the Reports from the Committee of Privileges and Elections, of the matter touching the Elections for the said Burrough of Morpeth, and Town of Berwick upon Tweed, be made upon Munday Morning next.

Die Luna, 9 Martii, 1695. Col. Granville reported from the said Committee, Report. the matter of the said Election, as it appeared to them, viz.

Upon the Petition of Henry Lumly, Esq; complaining of an undue Election for the said Burrough, the Committee have examined the Merits of that Election.

That as the Poll was taken, there was,

For Mr. Nicols—————90.

For Sir Henry Bellasis—————51.

For Mr. Lumley—————39.

That it was agreed that there had not been any controverted Election before, for the said Town of Morpeth. And,

That Mr. Nicols was agreed to be duly elected; so that the Question was only between the Petitioner, and Sir Henry Bellasis, and that depended entirely upon the Right of Election.

That the Petitioner insisted, that the Freemen of the several Crafts of the Burrough being in number 7 had an equal Right to vote with the free Burgesses.

That on the contrary, for the sitting Member, it was insisted, that the Right was in the Bailiffs, and free Burgesses only.

That to prove the Right in the Free-Brothers, (so they call the Freemen of the several Crafts) they produced the Copy of an Oath taken by the Fullers and Dyers, (one of the 7 Crafts) whereby they swear to be true and faithful to the said Town and Burrough.

And also a Copy of ancient Articles made between the Lord Dacre, Lord of the Mannor, and the Burgesses and Commonalty of the Town, whereby the 7 Crafts are instituted, and many Orders for the Regulation are provided, and particularly, that every Apprentice serving by the space of 7 Years within the said Town, shall pay to the Common-Hutch, for his said Freedom, 12 d.

By which the Council for the Petitioner would infer, that the said Free-Brothers were Freemen of the Town.

But it appeared to the Committee, that there was a plain difference between them in several respects, viz. the Free-Burgesses had each of them—— Stints in the Common, more than the Free-Brothers, and that the Free-Brothers did not chuse either Bailiffs or Constables, nor were ever summoned to chuse Parliament-Men, only at Elections they have appeared and shouted with the Free-Burgesses at such Elections.

That on the other side, to prove the Right in the Free-Burgesses, they produced several Returns of Members to serve in Parliament; and a Return of i Maria was read, which says, the Bailiffs and Burgesses elected.

And it was agreed, that the Returns had been in the same Form to this time, and called Witnesses, viz.

Edward Thompson, who said, he had known Morpeth 60 Years.

Robert Story said, he had known Morpeth 45 Years.

William Tate, said he had known Morpeth 40 Years. And all three said.

That the Free-Brothers never voted at any Election of Parliament-Men; nor have claimed any such Vote.

That it was also proved that the free Burgesses took an Oath to the Lord of the Mannor, (which the Free-Brothers did not) that they being elected Freemen and Free-Burgesses within the Burrough, should be true and faithful to the same, and manitair

M m m

and

and defend all the Orders, Privileges and Customs belonging to the Town and Corporation.

And that upon the whole matter, the Committee came to these Resolutions, *viz.*

1. " That the Right of electing Burgeses to serve in Parliament for the said Burrough of *Morpeth*, is only in the Bailiffs and free Burgeses of the said Burrough.

2. " That Sir *Henry Bellasis* is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Morpeth*.

The said Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

Villa de Montgomery.

1678. **D**IE *Mercurii*, 19 *Martii*, 1678. A Petition of *Edward Lloyd*, Esq; complaining of several undue Practices used by the Bailiff of *Montgomery*, in electing and returning of *Matthew Price*, Esq; to serve in this Parliament, as Burgess for the said Burrough of *Montgomery*, in injury of the Petitioner; was read and referred, &c. And also,

A Petition of *Matthew Price*, Esq; complaining of an undue Return of *Edward Lloyd*, Esq; to serve in this Parliament, as Burgess for the Burrough of *Montgomery*, in injury of the Petitioner, whereas the Petitioner was returned by the proper Officers; was likewise read and referred, &c.

Die Jovis, 20 *Martii*. A Petition of the Mayor, Bailiffs, and Burgeses of *Kanvilling*, in the County of *Montgomery*, complaining of undue Practices of the Bailiff of *Montgomery*, in not giving truly notice to the Inhabitants of the said Burrough, of the Election, and upon the Day of Election, excluding the Petitioners from being polled, who had agreed to give their Votes for *Edward Lloyd*, Esq; but the said Bailiff being influenced by some great Persons of the Neighbourhood, returned *Matthew Price*, Esq; to serve in this Parliament, as Burgess for the Burrough of *Montgomery*, notwithstanding the Petitioners, who were the greater number, unanimously made choice of the said *Edward Lloyd*, to the great injury of the Petitioners, and praying that the said *Edward Lloyd* may either have the benefit of their Voices, or that the said Election be made void; was read and referred, &c.

1679. **Report.** *Die Martis*, 1 *Aprilis*, —79. Sir *T. Meers* Reports from the Committee of *Elections and Privileges*, That the Committee had taken into Consideration the Matter of the Return for the Burrough of *Montgomery*, and had agreed upon a Report which he read in his place, and afterward delivered the same in at the Clerk's Table, where the same was read, and is as followeth, *viz.*

There are two Indentures, both dated the 18th Day of *February*, 1678, one between *John Williams*, Esq; Sheriff of the County of *Montgomery* of the one part, and ——— *Whittingham*, and *Roger Jones*, Bailiff, and many Burgeses of the said Burrough of the other part, wherein Mr. *Matthew Price* is returned, and is signed by both the Bailiffs, and many Burgeses, and a large Seal against the Bailiffs Names, and a Seal to each of the Burgeses Names.

The other Indenture is between the same Sheriff of the one part, and many Burgeses of the Burrough of *Montgomery*, *Pool*, and *Kanvilling*, in the same County, of the other part, whereby Mr. *Edward Lloyd* is returned, and is signed by many of the said Burgeses; but not either of the said Bailiffs Hands, or any Seal at all.

Whereupon the Committee came to this Resolution.

Resolved, " That it is the Opinion of this Committee, That the Indenture wherein *Matthew Price*, Esq; is returned to serve in this Parliament for the Burrough of *Montgomery* is well and duly returned, and by the proper Officers, and that thereupon he ought to sit in this present Parliament, as well returned for the said Burrough of *Montgomery*.

Resolved, " That this House doth agree with the Committee, that the Indenture wherein *Matthew Price*, Esq; is returned to serve, &c. *ut ante*.

1691. *Die Jovis*, 22 *Octobris*, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ, for electing another Member to serve in this present Parliament, for the said Town of *Montgomery*, in the room of *Charles Herbert*, Esq; deceas'd.

Burgus de Newark super Trent in Com' NOTTINGHAM.

DIE Martis 12 Februarii, 1677. Sir Thomas Meers Reports from the Committee of Privileges and Elections to whom it was referred to consider, whether the Petition of *Peniston Whalley*, Esq; concerning the Election for the said Burrough was preferred within the time limited by order of the House; That the Committee had taken the same into their Consideration, and had agreed upon a Resolve which he read in his place, &c. viz.

"That the Petition of *Peniston Whalley*, Esq; complaining of an undue Return of a Burgess to serve for the said Burrough of *Newark*, did not come in due time according to the Order of the House.

Which Resolution was, on the Question, agreed unto by the House.

Die Mercurii 28 Decembris, 1692. in the 4th Session of the 6th Years Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Nicholas Sanderson*, Esq; deceased.

Die Lune 6 Februarii, 1692. A Petition of the Inhabitants of the said Burrough of *Newark*, setting forth, That the Right of Election is in the Inhabitants of the said Burrough who pay, or ought to pay, Scot and Lot; that at the Election of a Member in the room of *Nicholas Anderton*, Esq; deceased, many of the Inhabitants who had a right to Vote were denied their Voices, and though Sir *Richard Earle*, Baronet, was duly elected, yet the Mayor of the Town hath unduly return'd Sir *Francis Molyneux* to serve for the said Burrough, and praying the consideration of the House. Also a Petition of the said Sir *Richard Earle*, Baronet, to the same effect, both which were read and referred.

Die Martis 9 Aprilis, 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Burgess to serve for the said Burrough, in the room of the Lord *Eland*, now Marquiss of *Hallifax*, called up to the House of Lords.

Die Lune 12 Decembris, 1698. A Petition of *John Rayner*, Esq; setting forth, that the Petitioner was duly chosen a Burgess to serve in this present Parliament for the said Burrough, but many illegal practices were used by *Edward Hobson*, Mayor of the said Town, and others, in favour of Sir *Francis Molyneux*, who polled several for him that were not qualified, and refused others that were qualified, who would have polled for the Petitioner; so that the said Mayor hath falsly returned Sir *Francis Molyneux*, in wrong to the Petitioner, and praying the House to do him Justice in the Premises, was read and referred.

Die Mercurii 14 Decembris, 1698. A Petition of several of the Inhabitants of the said Burrough paying Scot and Lot, in behalf of themselves and divers others so qualified, inhabiting within the said Burrough, setting forth, That at the late Election of Members to serve in this present Parliament for the said Burrough, the greatest part of the legal voters appeared to Vote for *John Rayner*, Esq; and demanded to be polled, but *Edward Hobson*, Mayor of the said Burrough, refused to Poll them, and polled others that were not qualified, for Sir *Francis Molyneux*, and by other undue practices hath returned him with *James Saunderson*, Esq; in great violation of the Right of the Petitioners, and the said Mr. *Rayner*, who ought to have been return'd their Representative in this present Parliament, and praying the Consideration of the House in the Premises, was read and referred.

Die Jovis 16 Novembris, 1699. A Petition of *John Rayner*, Esq; complaining of an undue Election and Return for the Burrough of *Newark upon Trent*, was presented to the House and read, and referred to the said Committee. Also

A Petition of several Inhabitants of the said Burrough paying Scot and Lot, on behalf of themselves and divers others, complaining of an undue Election and Return, for the said Burrough, was presented to the House and read, and referred to the said Committee.

Die Lune 8 Januarii, 1699. Ordered, That the Report from the said Committee, touching the said Election, be made upon *Thursday* morning next. And accordingly,

Die

Villa de Newcastle upon Tine.

Die Jovis 11 Januarii, 1699. Sir Rowland Gwyn reported from the said Committee, the matter as it appeared to them, touching the Election for the said Burrough, and the Resolutions of the Committee thereupon, which he read in his place and afterwards delivered in at the Table, where the same were read, and (with an amendment to the first of them) agreed unto by the House, and are as followeth, *viz.*

Resolved, "That the Mayor, Aldermen, and all the Inhabitants within the said Burrough, who pay, or ought to pay, Scot and Lot within the said Burrough, have a Right to Vote at the Election of Members to serve in Parliament for the said Burrough.

Resolved, "That Sir Francis Molyneux, Baronet, is not duly elected a Burgess to serve in this present Parliament for the said Burrough.

Resolved, That John Rayner, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough.

Ordered, That the Clerk of the Crown do attend this House to morrow morning to amend the Return for the said Burrough, by rasing out the Name of Sir Francis Molyneux, Baronet, and inserting the Name of John Rayner, Esq; instead thereof. And accordingly,

Die Veneris 12 Januarii, 1699. The Clerk of the Crown attended, and amended the Return for the said Burrough.

Die Martis 23 Januarii, 1699. A Petition of Edward Hobson, late Mayor of the Town and Burrough of Newark, in Custody of the Serjeant at Arms, attending this House, was presented to the House and read, expressing his being sensible of his having incurred the displeasure of this House, and that he is a poor Man, and hath a great Charge of Children, and praying that his Circumstances may be considered, and that he may be discharg'd from his Commitment.

1699. *Die Mercurii 24 Januarii, 1699.* Edward Hobson, late Mayor of Newark, was according to order brought to the Bar, where he (upon his Knees) received a Repri- mand from Mr. Speaker.

Ordered, That the said Edward Hobson be discharged out of Custody paying his Fees.

Burgus de Newcastle Underline in Com' STAFFORD.

1691. *DIE Jovis 24 Decembris, 1691.* being the 4th Session of the 6 Years Parliament, *Ordered,* That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Burgess to serve in this present Parliament, for the said Burrough of Newcastle Underline, in the room of Sir William Leveson Gower, Baronet, deceased.

1699. *Die Jovis 16 Novembris, 1699.* *Ordered,* That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgess to serve in this present Parliament for the said Burrough of Newcastle Underline, in the room of Sir Thomas Bellor, Baronet, deceased.

Die Jovis 21 Decembris, 1699. A Petition of John Lawton, Esq; was presented to the House and read, complaining of an undue Election for the said Burrough of Newcastle Underline, and referred to the said Committee.

Villa de Newcastle upon Tine in Com' NORTHUMBERLAND.

16 E. 1. *The Return to Parliament for the said Town of Newcastle upon Tine in 26 E. 1. is in this Form, viz. Nomina Burgensium Electi pro Comitatu Burgi Novi Castri super Tinam sunt in Cedula huic Brevi annexa. But Note, generally these Returns which are the most ancient now extant, do not mention how or by whom elected.*

Burgus de Newtown in the ISLE of WIGHT.

Sir Simon Dewes, out of an anonymous Journal often cited by him, has this Passage, viz. The Town of Harwich in Essex, and Newtown in the County of Southampton, have returned Burgeses to this Parliament, (i. e. 43 Elizabethæ) 1601. which they never did before. Dew's Journal. fol. 628.

DIE Jovis 5 Decembris, 1695. A Petition of Anthony Henley, Esq; setting forth, 1695.
That at the last Election of Burgeses to serve in this present Parliament for the said Burrough, your Petitioner, James Worsley, and Thomas Done, Esqs; stood as Candidates, and the Petitioner had the majority of legal Votes, but many Persons who had no Right to Vote, were admitted to Vote against the Petitioner, and that those that would have voted for him, and had a Right, were rejected; by reason of which unfair means, the said Mr. Worsley and Mr. Done are returned, to the prejudice of the Petitioner, and praying such Relief in the Premises as the House shall think fit, was read and referred.

Burgus de Newtown in Com' LANCASTER.

By Great Domesday Book it appears, That Newtown, in Lancashire, was bolden of the King, and was of his ancient Demesns, and then no Burgh. Great Domesd. fol. 259, 260.

DIE Martis 25 Martii, 1690. A Petition of Sir James Forbes, Knt. and Thomas Brotherton, Esq; shewing, That on the 11th instant they were duly elected Burgeses, by a majority of those that had a right to Vote, for the Burrough of Newtown in the County of Lancaster, and ought to have been return'd, but that Mr. William Wood the Steward, and Thomas Stirrop the Bailiff, have unduly return'd Sir Thomas Chicbley, and George Cholmondley, Esq; in wrong to the Petitioners, and praying the consideration of the House, and relief in the Premises, read and referred. And see in the next Session, viz. 1690.

Die Lune 6 Octobris, 1690. The same Petitioners renew their Petition, That on the 11th of March last they were duly elected for the said Burrough, but that William Wood the Steward, and Thomas Stirrop the Bailiff, have return'd Sir Thomas Chicbley and George Cholmondley, Esq; read and referred. 1690.

Die Jovis 22 Octobris, 1691. The said Petitioners renew their Petition, setting forth, that on the 11th of March, 1689. they were duly elected for the said Burrough, but that Mr. Wood the Steward of the said Burrough, and Thomas Stirrop the Bailiff, turned Sir John Chicbley and George Cholmondley, Esq; in injury to the Petitioner, and praying the consideration of the House, &c. read and referred, 1691.

Burgus de Newport alias Medena in Com' SOUTHAMPTON.

DIE Lune 21 Novembris, 1692. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Sir Robert Holmes Knt. deceased. 1692.

Die Lune 25 Novembris, 1695. The Lord Cuts being elected a Knight of the Shire for the County of Cambridge, and also a Burgess for the said Burrough of Newport in the County of Southampton, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for a new Writ, for electing another Burgess for the said Burrough in his room. 1695.

1698. *Die Jovis 22 Decembris, 1698.* The Lord Cutts being chosen a Knight to serve in this present Parliament for the County of Cambridge, and also a Burgess for the Burrough of Newport, alias Medena in the County of Southampton, made his Election to serve for the County of Cambridge. And

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgess to serve for the said Burrough of Newport, in the room of the said Lord Cutts.

Die Sabbati 28 Januarii, 1698. A Petition of John Aston, Esq; setting forth, That the Petitioner, and ——— Greenhill, Esq; stood Candidates to serve in this present Parliament as Burgesses for the said Burrough, and the Petitioner was duly elected by the majority of legal Voters, but Mr. Greenhill being Commissioner of the King's Dock at Portsmouth, not only by corrupt Methods, but by notorious Practices, to the apparent disservation of his Majesty, and very prejudicial to his Fleet, hath procured himself to be returned a Member for the said Burrough, to the Petitioner's prejudice, and praying the relief of the House therein, was read and referred.

1699. *Die Luna 27 Novembris, 1699.* A Petition of Edward Webb, Mayor elect of the Burrough of Newport in the Isle of Wight, was presented to the House, and the same relating to the Lord Cutts, a Member of this House, who not being in the House,

Ordered, That the Lord Cutts do attend in his place to morrow Morning, and that the Petition be then read.

Die Martis 28 Novembris, 1699. The Lord Cutts attending in his place according to Order, The Petition of Edward Webb, Mayor elect of the said Burrough, presented to the House Yesterday, was read, praying, That the Lord Cutts may waive his Privilege in order that the Petitioner may try his Right of Mayor of the said Burrough.

And the Lord Cutts was heard to the same.

Resolved, That no Member of this House, acting as a publick Officer, hath any Privilege of Parliament, touching any matter done in execution of his Office. And a new Writ ordered for another Election.

Die Mercurii 29 Novembris, 1699. A Petition of John Aston, Esq; was presented to the House and read, complaining of an undue Election and Return for the said Burrough of Newport alias Medena, and referred to the said Committee.

Die Luna 8 Januarii, 1699. *Ordered,* That the Report from the said Committee, touching the said Election, be made upon Thursday morning next. And accordingly,

Die Jovis 11 Januarii, Sir Rowland Gwyn reported from the said Committee the matter, as it appeared to them touching the said Election, and the Resolution of the Committee thereupon, which he read in his place, and afterwards delivered in at the Table, where the same was read and agreed unto by the House, and is as followeth, viz.

Resolved, "That Henry Greenhill, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough.

Die Jovis 13 Februarii, 1700. See the Case of Samuel Sheppard, Esq; under Title Andover, ante, fol. 27.

Burgus de Newport, in Com' CORNWALL.

1678. **D**IE Jovis 20 Martii, 1678. A Petition of John Morris, Merchant, complaining of an undue Return of ——— Carison, Esq; to serve as Burgess for the said Burrough Com' Cornwall, in injury of the Petitioner, who was duly elected, and ought to have been returned, was read and referred, *sed nil ultra.*

1690. *Die Martis 18 Novembris, 1690.* See a new Writ ordered for this Burrough in the room of the Lord Cheine. See Title Dartmouth.

Die Mercurii 31 Decembris, 1690. A Petition of Narcissus Lutterel, touching the said Burrough, was presented to the House, and read, but by reason the Prayer of the Petition was conceived to be irregular, the Petition was with leave of the House withdrawn. But,

Die Jovis 1 Januarii, 1690. He presented another Petition, setting forth, That he was duly elected by the majority of the Electors of Newport in the County of Cornwall, and an Indenture Sealed by Mr. Manaton (a Member of this House, and one of the Vianders of the said Burrough) and the majority of the Burgesses, but that by an Inden-

Indenture under the Seal of Mr. Horwel, (the other Viander) and some others, John Morris is returned in prejudice to the Petitioner, and praying the Consideration of the House in the Premises. Read and referred.

Die Luna, 2 Januarii, 1698. John Morris, Esq; being chosen a Burgess to serve in this present Parliament for the Burrough of *Saltsb*, in the County of *Cornwall*, and also for the Burrough of *Newport*, in the same County, made his Election to serve for the said Burrough of *Saltsb* 1698.

Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgess to serve in this present Parliament, of the said Burrough of *Newport*, in the room of Mr. Morris.

Die Jovis, 16 Februarii, 1698. A Petition of John Prideaux, Esq; setting forth, that the Petitioner, and Thomas Stratford, Esq; stood Candidates at the Election of a Burgess to serve in this present Parliament, for the said Burrough of *Newport*, in the County of *Cornwall*, where the Petitioner had a majority of 34 Voices, duly qualified Yet the Vyanders, (wth with the Freeholders and Inhabitants ought to have made the Return) withdrew themselves from the said Burrough, without declaring who was duly elected, (tho' demanded thereunto by the Petitioner, and his Electors, and in another County by themselves alone, signed a Return of Mr. Stratford, contrary to the ancient Constitution of the said Burrough, and in prejudice to the Petitioner's Right, and praying the Relief of the House in the Premises; was read and referred. 1698.

Die Jovis, 16 Novembris, 1699. A Petition of John Prideaux, complaining of an undue Election and Return for the said Burrough, was presented to the House, and read and referred to the said Committee. 1699.

Die Luna, 11 Martii, 1699. *Ordered*, That the Reports from the said Committee, touching the Election for the Burrough of *Newport*, in the County of *Cornwall*, be made upon Thursday Morning next. But,

Die Jovis, 14 Martii, 1699. A Motion being made, and the Question being put, that the Report from the said Committee, be now, (according to the Order of the Day) received.

It passed in the Negative.

Ordered, That the said Report be made upon Tuesday Morning next.

Die Martis, 19 Martii, 1699. A Motion being made, and the Question being put, that the Report from the said Committee, (which were ordered to be made this Day) be made upon Saturday Morning next:

It passed in the Negative.

Ordered, That the said Report be made upon this Day Sevenight.

But, *Note*, This Matter, after several other the like Orders, fell, and nothing done therein.

Comitatus de Norfolk.

Sir Simon Dewes, in his Journal, folio, 393, 396, 397, &c. gives us the following Account of several Debates in the House of Commons, touching an Election and Return for the said County of Norfolk, viz. Dewes's Journal, 28, & 29 Eliz. 396, 397.

DIE Jovis, 3 Novembris, 1586. To which Day the Parliament had been on Monday the 31st of October foregoing, adjourned, Mr. Speaker shewed to the House, that he had received a Command by my Lord Chancellor from her Majesty to signifie to them that her Highness was sorry this House was troubled the last sitting thereof with the matter touching the Chusing and Returning of Knights for the County of Norfolk, a thing, in truth, *impertinent* for this House to deal withal, and only belonging to the Charge and Office of the Lord Chancellor, from whence the Writs for the same Elections issued out, and are thither returnable again. And also, that her Majesty had appointed the said Lord Chancellor to confer therein with the Judges, and so, thereupon, they examining the said Returns, and the Sheriff, touching the Manner and Circumstance of his Proceedings in the said Elections, to set down such a Course for making the true Return, as to Justice and Right shall appertain. 1586.

Die Martis, 8 Novembris, 1586. Sundry Speeches being had touching the Liberties of this House, and of the preservation of the same Liberties about the matter of the ibid. fo. 399.

the Examination of the Returns of the Knights for the County of *Norfolk*, and some arguing one way, and some another; the time so passing away, the House did rise, and nothing was then resolved thereof at all. But

ibid. 396.

Die Mercurii, 9 Novembris, 1586. After some Motions and Speeches had touching the Liberties of this House, in the Examination and Judgment of the Returns of the Knights for the County of *Norfolk*. It is, upon the Question, *Resolved*, That Mr. Comptroller, Mr. Treasurer, Mr. Recorder of *London*, Mr. Serjeant *Snagg*, Mr. *Cromwell*, Sir *William Winter*, Sir *Henry Knivet*, Mr. *T. Knivet*, Mr. *Alford*, Mr. *Drew*, Mr. *Harris*, Sir *William Moore*, Mr. *Morris*, Mr. *Sands*, and Mr. *Sanders*, be appointed Committees by this House, to examine the State and Circumstances of the said Returns, and to meet for that purpose to Morrow at 2 a clock in the Afternoon, in the *Exchequer Chamber*; and also that Mr. *Watson*, Clerk of the Crown in *Chancery*, and the Under-Sheriff of the said County do then and there attend upon the said Committees, in the exercise of the said Examinations. And further, that thereupon the said Committees, or some of them, do signifie unto this House upon *Friday* next, in the Forenoon, the State of the said Matter, as they shall find it upon the said Examination, to the end this House may then take such further Course therein, as in that behalf shall be thought meet and convenient.

(*Die Jovis, 11 Novembris, 1586.*) This Day Report was made by Mr. *Thomas Cromwell*, that 11 of the Committee appointed by this House, to examine the State and Circumstances of the Writs and Returns made of the Knights for Com' *Norfolk*, had according to their Commission, met Yesterday, and that the Clerk of the Crown had brought before them, as well the Writs, as their Returns, upon view whereof it appear'd, two several Writs had issued out of the *Chancery*, directed to the Sheriff of *Norfolk*, for choice of the Knights for that County, the first dated 15 *Septembris*, the second dated 11 *Octobris*; the first appeared by the Return to have been executed the 26th of *September*, and the second executed the 24th of *October*, which was after the Parliament was to have had its beginning. By the first Writ, Mr. *Thomas Farmer*, and Mr. *Gresham*, were return'd to be chosen Knights; by the second, Mr. *Christopher Heydon*, and the said Mr. *Gresham*.

That by the Examination of the Clerk of the Crown it appear'd to them, that the first Writ, with the Return, was brought and offered unto him by the Under Sheriff, the 15th of *October*, when as the Parliament was to have had its beginning, and that with that Writ the Burgesses for the Burroughs of the County were also brought, which then notwithstanding he received not: And that afterwards, about the 29th of *October*, both the said Writs were delivered unto him.

It was further declared, that the said Mr. *Heydon*, with his Council, and the said Mr. *Farmer* in Person, and also the Under-Sheriff had been before the Committees. That Mr. *Gresham*, as being return'd by both the Writs, had not been before them: That they had examined Mr. *Heydon*, and his Council, what Exceptions they could take to the Execution of the first Writ, who then alledged two Causes, viz. The one that due Summons was not given to the Freeholders of the Shire. The other, that Proclamation was not duly made.

That thereupon they examined the Under-Sheriff, who in their Presence affirmed, that the Writ was delivered to the High-Sheriff on the *Saturday*, which he received on the *Sunday*, the County-Day being on *Munday* following, on which Day he was bound by Law to execute his Writs. By which means he had not leisure to summon many, or any Day left wherein he might by Proclamation notifie it in the Country: That on the said *Munday*, between 8 and 9 of the clock, three solemn O Yes's were made, and the *Queen's* Writ publicly read, and all Circumstances used, which the Law required, wherein he was the more careful, for that it was commonly bruited, that there would be a variance about the Election; that this Election was so expected in the Country, that by his Estimation, there were 3000 Persons at the same; and that Mr. *Farmer* had the Voices without Denial; that Mr. Justice *Windham*, Sir *T. Knivet*, Sir *Nic. Bacon*, Sir *Hen. Woodhouse*, and divers other Justices of the Peace, Esquires, and Gentlemen of great Calling were at the Election, and gave their Assents to the same, and set their Hands and Seals to the Indenture.

And that upon Consideration of the whole Matter, it appeared to them, that the first Writ and Return were both in Matter and Form, perfect and duly executed, and the second Writ they thought could not be available. Besides, that the Precedent was perilous for the time to come, in respect that it appointed two others to be chosen, and the effect of the Writ besides not observed, for that Mr. *Gresham*, one of the same, was chosen by the first Writ. They further declared, that they understood that the

Lord Chancellor, and divers of the Judges, having examined the Matter, were of the same Opinion.

He declared further, that one of the Committees had moved, that two of the Committees might have been sent to understand of my Lord Chancellor what he had done in the Matter, which the rest of the Committees thought not convenient. *First*, In respect they were satisfied therein by divers of their Committees; and also for that they thought it prejudicial to the Privilege of the House, to have the same determined by others than such as were Members thereof: And though they thought very reverently of the said Lord Chancellor and Judges, and esteemed them competent Judges in their Places, yet in this Case they took them not for Judges of Parliament in this House; and thereupon required, that if it were so thought good to the House, Mr. Farmer and Mr. Gresham might take their Oaths, and be allow'd of as Members by force of the first Writ, as allowed by the Censure of this House, and not as allowed of by the said Lord Chancellor and Judges; which was agreed unto by the whole House. And ordered to be entred accordingly.

This Case, as it is before set down, contains in it many curious and very useful Points.

And as to the matter of Fact was singly this, viz.

The Sheriff of Norfolk receives a Writ touching the Election of two Knights for that County, but two Days before the next County-Day, in which he is bound by Law to see it executed. But by reason of this shortness of time, he could neither summon any Free-holders, nor make due Proclamation in the County any one Day before the Election. The Sheriff, notwithstanding, on the said County-Day, proceeds to the Execution of the said Writ, and Mr. Farmer and Mr. Gresham are duely chosen, according to all Points and Circumstances, in such like Cases required, there being not only a great Appearance of Free-holders, but divers also of the eminent Gentlemen of the said County; who after they had given their Voices at the said Election, did also set their Hands and Seals to the Indenture of the same, as in that Case is usual. After this, a second and new Writ is delivered to the said Sheriff, for a new Election to be made, which is in all Points executed without any the least Colour of Misfeasance; and by it Mr. Heydon and Mr. Gresham, (being one of the two first that had been before elected) were chosen, and the Indenture of their said Election, together with the Writ were delivered in unto the Clerk of the Crown, together with the Writ and Indenture of the former Election; after which the Lord Chancellor, and the Judges meeting about it, do *Resolve*, That the first Writ was well executed, the first Election good, and the second absolutely void; and of this their Resolution do give the House of Commons notice.

In which Case these Points following were *Resolved* by the whole Body of the said House, *viz.*

First, " That the said first Writ was duly executed, and the Election good, and the second Election absolutely void.

Secondly, " That it was a most perilous Precedent, that after two Knights of a County were duly elected, any new Writ should issue out for a second Election, without the Order of the House of Commons it self.

Thirdly, " That the discussing and adjudging of this and such like Differences only belonged to the said House.

Fourthly, " That though the Lord Chancellor and Judges were competent Judges in their proper Courts, yet they were not in Parliament.

Fifthly, " That it should be entred in the very *Journal-Book* of the House, that the said first Election was approved to be good, and that the said Knights then chosen, had been received and allowed as Members of the House, not out of any Respect the House had or gave to the Resolution of the Lord Chancellor and Judges therein passed, but meerly by reason of the Resolution of the House it self, by which the said Election had been approved.

Sixthly, " That there should be no Message sent to the Lord Chancellor, not so much as to know what he had done therein, because it was conceiv'd to be a matter derogatory to the Power and Privilege of the said House.

See further of this Matter in Dews's Journal, fol. 398, 399.

Die Mercurii, 19 Martii, 1678. A Petition of Sir John Hobart, Bar. complaining of the undue Election and Return of Sir Christopher Calthorp, and Sir Nevil Cateline, as Knights of the Shire for the County of Norfolk, and of many undue Practices and Threats used by the Lord Lieutenant, and Under-Sheriff of the said County, and one John Hurton, to the Petitioner's Injury; was read. And,

Resolved, " That the matter of the said Petition be heard at the Bar of the House, on Fryday next come three Weeks; and that the High Sheriff and Under-Sheriff of the said County, and *John Hurton* be summoned to attend this House at the said Cause.

1679. *Die Martis, 1 Die Aprilis, —79. Ordered*, That the matter of the undue and illegal Practices in the Election of Knights of the Shire, to serve in this Parliament, for the County of *Norfolk*, which was appointed to be heard at the Bar of this House, on Friday the 11th of April instant, be adjourned till Saturday the 12th Day of the same Month.

Die Jovis, 10 Aprilis, —79. Ordered, That the matter of the Election for the County of *Norfolk*, which was appointed to be heard at the Bar of this House, upon Saturday next, be adjourned till Munday next.

Die Sabbati, 12 Aprilis, —79, Post Meridiem. Ordered, That the matter of the Election for the County of *Norfolk*, which was appointed to be heard at the Bar of this House on Munday next, be adjourned till Tuesday next, and be heard immediately after the Report from the Committee appointed to inspect and state the Accounts relating to the Army.

Die Martis, 15 Aprilis, —79. Ordered, That the matter touching the Election for the County of *Norfolk*, be heard at the Bar of this House, on Munday next, the first Business.

Die Luna, 21 Aprilis. The House then took into Consideration the matter touching the said Election, and examined the Witnesses on the part of the Petitioner, and then adjourn'd.

Post Meridiem. The House took into further Consideration the matter touching the said Election, on the part of the sitting Members. And,

Resolved, " That Sir *Christopher Calthorp* is not duly elected to serve in this Parliament, as one of the Knights of the Shire for the County of *Norfolk*.

Resolved, " That Sir *Nevil Cateline* is not duly elected to serve, &c. [*as before.*]

The Question being put, That Sir *John Hobart* is duly elected to serve in this present Parliament, as one of the Knights of the Shire for the County of *Norfolk*.

The House divided. *Noes* go forth.

Tellers, { Sir *John Talbot*, } *Noes* 169.
 { and Mr. *Tempest*, }

Tellers, { Sir *John Trevor*, } *Yeas* 94.
 { and Mr. *Hampden*, }

So it passed in the Negative. And,

Resolved, " That Sir *John Hobart* is not duly elected to serve, &c. *ut supra.*

Ordered, That Mr. *Samuel Verdon*, an Attorney, acting as Under-Sheriff for the County of *Norfolk*, be sent for in custody of the Serjeant at Arms, attending this House, to answer his Miscarriage and ill Practices in electing of Knights of the Shire, to serve in this Parliament for the County of *Norfolk*.

Ordered, That Dr. *John Hilliard* be sent for in Custody of the Serjeant at Arms, attending this House, to answer his Contempt in not attending this House, according to the Summons to him given.

Resolved, " That this House will, on Munday next, take into Consideration the matter of the Miscarriages touching the Election for the County of *Norfolk*.

1679. *Die Martis, 22 Aprilis, 1679. Ordered*, That Mr. Speaker issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of two Knights of the Shire, to serve in this Parliament, for the said County of *Norfolk*.

Die Luna, 12 Maii, 1679. The House being informed that *John Jay*, Esq; High-Sheriff for the County of *Norfolk*, refuseth to make a Return of the Writ for the electing of two Knights of the Shire to serve in this Parliament, for the said County.

Ordered, That the said *John Jay* be sent for in Custody of the Serjeant at Arms, attending this House, for not returning the Writ for electing of Knights of the Shire, to serve in this Parliament for the said County.

1695. *Die Martis, 26 Novembris, 1695.* Sir *Harry Hobart* being elected a Knight of the Shire for the said County, and also a Burgess for the Burrough of *Bereafston*, made his Election for the said County. *Vide Bereafston.*

Burgus de Northallerton, in Com' YORK.

DIE Jovis 9 Decembris, 1697. Ordered, That Mr. Speaker do issue his Warrant 1697.
to make out a new Writ for electing another Burgefs to serve in this present Par-
liament for the said Burrough, in the room of *Thomas Lascells*, Esq; deceased.

Villa & Burgus de Northampton.

In the Great Domesday Book, under Title Northantscire, is this Entry, viz. Tem- Great Domesd. fo. 219. 2.
pore Regis Edwardi fuere in Northantone in Dominio Regis 60 Burgenfes habentes Totidem Manfiones, ex his sunt modo 14 vastæ, Residue sunt 46. Præter hos sunt modo novo Burgo 40 Burgenfes in Dominio Regis Willelmi. And a little further 'tis said,

Burgenfes de Hantone reddunt vicecomiti per Annum 30 Lib. & 10 fol. hoc pertinet ad firmam ipsius. *The Burgesfes of Hamton pay to the Sheriff 30 Lib. and 10 s. by the Year, and it belongs to his Farm (that is the Farm of the whole Shire.)*

DIE Lune 11 Novembris, 1678. The House proceeded to the confideration of the 1678.
matter concerning the Return for the Town of Northampton.

And the High Sheriff for the County of Northampton, and the Clerk of the Crown, were called in and examined, and the Writ with the Indenture annexed, delivered in.

And the Mayor of the Burrough of Northampton was called in and examined, and delivered in an Indenture annexed to the Precept which he received from the Sheriff, and upon Examination of the matter, it appearing to the House that the Precept from the Sheriff was directed to the Mayor and Justices for the Burrough of Northampton, and that the Indenture annexed to the Writ, whereby Sir William Temple is returned for the said Burrough, is not signed by the Mayor, nor the Seal of the Corporation fixed thereto. And that the Indenture whereby Ralph Montague, Esq; is returned, is signed by the Mayor, and the Seal of the Corporation fixed thereto; and that the same is annexed to the Precept of the Sheriff.

Resolved, Nemine contradicente, That the Indenture annexed to the Writ, whereby Sir Richard Temple is returned to serve as Burgefs for the said Burrough of Northampton, is not a sufficient Return.

Resolved, Nemine Contradicente, That the Indenture signed by the Mayor of Northampton, and sealed with the Common Seal of the Corporation, and which is annex to the Sheriff's Precept, whereby Ralph Montague, Esq; is return'd to serve for the said Burrough, is a due Return; and ought to be annex to the Writ.

Ordered, That the Sheriff for the County of Northampton, do take off the Indenture annex to the Writ whereby Sir William Temple is return'd, and do receive the Indenture annex to the Precept whereby Mr. Montague is return'd, and do annex the same to the Writ.

And the Sheriff and the Clerk of the Crown being called in, the Sheriff did take off the Indenture, whereby Sir William Temple is returned, from the Writ.

And Mr. Speaker acquainted him with the Order of the House, that he should receive the Precept and Indenture annexed thereto, whereby Mr. Montague is returned, and annex the same to the Writ.

And the Sheriff and the Clerk of the Crown being withdrawn,

Ordered, That Mr. Neale, High Sheriff for the County of Northampton, be committed to the Custody of the Serjeant at Arms attending this House.

Die Veneris 2 Martii, 1693. Ordered, That Mr. Speaker do issue his Warrant to 1693.
the Clerk of the Crown, to make out a new Writ for electing another Burgefs to serve in this present Parliament for the said Town of Northampton, in the room of Sir Thomas Samwel, Baronet, deceased.

Civitas de Norwich in Com' NORFOLK.

Great
Domesd.
fol. 116.

In the greater Doomesday Book, under Title Norfolck, is this Entry, viz. In Norwico, (i. e. in the old City or Burgh) de 1238. Burgenfibus Rex & Comes habent Socam Sacam & Consuetudinem, de 50 Stigandus habuit Socam Sacam & Commendationem, de 22 Heroldus habuit Socam Sacam & Comendationem, & unus eorum ita Dominicus esset ut non potuit decedere vel homagium facere sine ejus Licentia.

Franci de Norwico in Novo Burgo 36 Burgenfes & 6 Anglici, & ex annua consuetudine reddebat unusquisque 5 d. præter Forisfacturas, de hoc toto habebat Rex Duas partes & Comes Tertiam, modo 41 Burgenfes Franci in Dominio Regis & Comitis, & Rogerus Bigot habet 50. & Radulphus de Bellofago 14. & Hermerus 8. & Robertus Arbalistarius 5. & Fulcherus homo Abbatis 1. & Ifac 1. Rad. vico Lupi 1. & in Pristrino Comitibus 3. And then it follows, Tota Terra Burgenfium erat in Dominio Comitibus & Rad. Concessit Regi in Comune ad faciendum Burgum inter se & Regem ut Testatur vicecomes Terræ istæ, tam militum quam Burgenfium reddunt Regi suam Consuetudinem.

Rot. Cart.
1 Johannes
pars 1. M.
11. N. 146.

Note, King John, in the first Year of his Reign, granted a Charter to this City, almost in the same words as in his Charter to the City of London, and then adds. Has prædictas Consuetudines eis concessimus & omnes alias, &c. quas habuerunt & habent Cives nostri Londoniæ quando meliores vel liberiores habuerunt secundum Libertates Londoniæ & Leges Civitatis Norwici. Quare Volumus &c. quod ipsi Cives & hæredes eorum hæc omnia prædicta cum Civitate & pertinentiis ejus hæreditarie habeant & teneant de nobis & hæredibus nostris, reddendo per Annum Centum & Octo libras Sterlingorum blanceas de Civitate Norwici, per manum Præpositi Norwici faciant Præpositos de se per annum qui sint idonei nobis & eis. Testibus H. Sarum Episcoporum S. Wellensi Archidiacono, J. de Gr—— Data per manum H. Cantuar Archidiaconi Cancellarii nostri apud Genom. 22 die Septembris, Anno Regni nostri primo.

1694. DIE Lune 12 Novembris, 1694. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the Election of a Citizen to serve in this present Parliament for the said City of Norwich, in the room of Hugh Bockingham, Esq; deceased.

Comitatus de Nottingham.

1691. DIE Jovis 22 Octobris, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Knight of the Shire to serve in this present Parliament for the said County of Nottingham, in the room of William Sacheverel, Esq; deceased.

Villa de Nottingham & Com. ejusdem Villa.

26 E. 1.

The Return to Parliament for this Town in 26 E. 1. is in this form, viz. Et breve istud retornat fuit Ballivis, &c. Qui mihi responderunt quod elegerunt assensu Comunitatis Villæ prædictæ. Johannes le Fleming de Nottingham & Adam le Fleming de eadem, with 2 Manucaptors each.

1695. DIE Lune 25 Novembris, 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in

in this present Parliament for the said Town and County of the Town of Nottingham, in the room of *Charles Hutchinson*, Esq; deceased.

Die Jovis 16 Novembris, 1699. Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgess to serve in this present Parliament for the Town of Nottingham, in the room of *Richard Slater*, Esq; deceased 1699.

Die Mercurii 20 Decembris, 1699. A Petition of *George Gregory*, Esq; was presented to the House and read, complaining of an undue Election and Return for the Town of Nottingham, and referred to the said Committee.

Die Sabbati 9 Martii, 1699. A Petition of *Thomas Hawkfly*, and *Roger Hunt*, Overseers for the Poor at Nottingham, was presented to the House and read, praying, that they may be relieved for their Charges in coming to Town, their Expences here and returning home, being Summoned to attend the Committee of Privileges and Elections by *George Gregory*, Esq; Petitioner against *Robert Sacheverell*, Esq;

Ordered, That the said Mr. Gregory do pay the Petitioner's their reasonable Charges to be settled by the Chairman of the said Committee.

Burgus de Dakhampton in Com' DEVON.

DIE Veneris 2 Februarii, 1693. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Henry Northleigh*, Esq; deceased. 1693.

Burgus de Oxford, in Com' SUFFOLK.

DIE Mercurii 17 Februarii, 1696. Ordered, That Mr. Speaker do issue his Warrant for making out a new Writ for the said Burrough of Orford, in the room of *Sir Adam Felton*, Baronet, deceased. 1696.

Die Lune 12 Decembris, 1698. A Petition of *Sir Edmond Bacon*, Baronet, and *William Fanson*, Esq; setting forth, That the Petitioners were duly chosen by a majority of Electors rightly qualified to serve in this present Parliament for the said Burrough, and yet *Sir Thomas Felton*, and *Sir Charles Hedges*, have gotten themselves to be returned to the Petitioner's prejudice, and praying the consideration of the House in the Premises, was read and referred. 1698.

Die Jovis 16 Novembris, 1699. A Petition of *Sir Edmond Bacon*, Baronet, and *William Johnson*, Esq; complaining of an undue Election and Return for the said Burrough, was presented to the House and read, and referred to the said Committee. 1699.

Die Lune 5 Februarii, 1699. Ordered, That the Reports from the said Committee, touching the said Election, be made upon Thursday Morning next.

Die Jovis 8 Februarii, 1699. Ordered, That the Report from the said Committee, touching the said Election, be made upon Saturday Morning next. And accordingly,

Die Sabbati 10 Februarii, 1699. *Sir Rowland Gwyn* reported from the said Committee, the matter as it appeared to them touching the said Election, and the Resolutions of the Committee thereupon, which they had directed him to Report to the House, which he read, &c. and are as follow, viz.

1. Resolved, as their Opinion, " That the right of electing Burgesses to serve in Parliament for the said Burrough, is in the Mayor, Portmen, Capital Burgesses and Free-men of the said Burrough. D
2. Resolved, as their Opinion, " That *Sir Thomas Felton*, Baronet, is not duly elected a Burgess to serve in this present Parliament for the said Burrough.
3. Resolved, as their Opinion, " That *Sir Charles Hedges*, Knt. is not duly elected a Burgess to serve in this present Parliament for the said Burrough.

P p p

4. Resolved,

4. *Resolved*, as their Opinion, "That Sir Edmond Bacon, Baronet, is duly elected a Burgess to serve in this present Parliament for the said Burrough.

5. *Resolved*, as their Opinion, "That William Johnson, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough.

The first Resolution being read a second time, the same was, upon the Question put thereupon, agreed unto by the House.

The second Resolution being read a second time,

Ordered, That Candles be brought in.

And they were brought in accordingly.

Then a Motion being made, and the Question being put, That the said Resolution be re-committed.

It passed in the Negative.

Then the Question being put, That the House do agree with the Committee in the said Resolution.

It was resolved in the Affirmative. And

The 3d, 4th, and 5th Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

Ordered, That the Clerk of the Crown do attend this House upon Monday morning to amend the return for the said Burrough, by raising out the Names of Sir Thomas Felton, Baronet, and Sir Charles Hedges, Knt. and inserting instead thereof, the Names of Sir Edmond Bacon, Baronet, and William Johnson, Esq;

Die Jovis 7 Martii, 1699. Mr. Speaker acquainted the House, that he had received a Letter from William Johnson, Esq; touching his Election, whether he will serve for the Burrough of Aldborough, or for the Burrough of Orford in the County of Suffolk.

Ordered, That the said Letter be laid before the House upon Tuesday morning next. And accordingly.

1699. *Die Martis 12 Martii, 1699.* Mr. Speaker laid before the House a Letter of William Johnson, Esq; which had been delivered to him touching the said Mr. Johnson's Election, whether he would serve for the Burrough of Aldborough, or Orford, and the Letter was read. And,

Ordered, That it be referred to a Committee to inspect Precedents, where Members chosen for several places, and being absent, have by Letters or Messages, made their Elections for which of the places they will serve, and report the same to the House, and a Committee was accordingly appointed.

But Note, That the like Election by Letter, had often been made before.

Comitatus de Oxon.

1699. *DIE Jovis 16 Novembris, 1699.* *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Member to serve in this present Parliament for the County of Oxon, in the room of Montague Lord Norris, now Earl of Abington, called up to the House of Lords.

Universitas de Oxon.

1695. *DIE Mercurii 27 Novembris, 1695.* Sir William Trumball being elected a Member to serve in this present Parliament for the said University of Oxford, and also for the Burrough of Heydon in the County of York, made his Election to serve for the said University of Oxford. *Vide Heydon.* A new Writ ordered.

Civitas de Oxon.

The Return for the Parliament at Westminster, in the 2 H. 5. is thus, Omnibus ad quos, &c. Major, Aldermanni, Ballivi, & tota Comunitas Burgenfium villæ Oxon Salutem, &c. Sciatis nos unanimi assensu & consensu nostris, &c. Elegisse dilectos Comburchenses nostros Johannem Merston & Thomam Coventry essendum ad Parliamentum, &c. In cujus Rei Testimonium presentibus sigillum nostrum Comune apposuimus. Dat in Gyhalla villæ prædictæ Anno 2. Henrici 5.

In the 25 H. 6. For the Parliament at Cambridge, the Return for Oxon was thus, viz. Nos Johannes North Major Villæ Oxon, & Johannes Barton, & Thomas Wymond, Ballivi ejusdem, & tota Comunitas dictæ villæ, elegerunt Thomam Dagfield, & Robertum Watford Comburchenses suos, Personas idoneas & discretas ad comparandum, &c. In cujus rei Testimonium hiis Indentoris tam sigillum dictorum Majoris, Ballivorum & dictæ Comunitatis quam sigillum officii Vicecomitis Oxon est appensum.

In the 7 E. 4. The Return for Oxon was thus, viz. Præsens Billa indentata facta, &c. Testatur quod Richardus Bustrate & Thomas Halman Ballivi Burgi de Oxon, & Comburchenses Burgi prædicti ex unanimi assensu & consensu elegerunt Willielmum Bedstone, & Willielmum Dayville Burghenses essendi ad Parliamentum, &c. In cujus Rei Testimonium Comune Sigillum apposuerunt, &c.

Comitatus de Pembroke.

DIE Luna 25 Novembris, 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ directed to the present Sheriff of the County of Pembroke, for electing of Members to serve in this present Parliament, for the said County and Town of Pembroke, the former Sheriff dying after the former Writ was delivered to him, and before the Execution thereof. 1695.

Burgus de Penryn in Com' CORNUB.

See Die Martis 15 Aprilis, &c. in Title Devon.

DIE Martis 22 Aprilis, 1690. Collonel Rolls being returned both for the County of Devon, and the said Burrough of Penryn, made his Election to serve for the County of Devon. and, 1690.

Ordered, That Mr. Speaker issue his Warrant for a new Writ for electing a Burgess to serve for the said Burrough in his room.

Die Jovis 22 Decembris, 1698. Mr. Secretary Vernon being chosen a Citizen for the City of Westminster, and also a Burgess for the Burrough of Penryn in the County of Cornwall, made his Election to serve for the City of Westminster. 1698.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgess to serve in this present Parliament for the said Burrough of Penryn, in the room of the said Mr. Vernon.

Die Veneris 10 Februarii, 1698. A Petition of James Vernon, jun. Esq; setting forth, That the Petitioner, and Alexander Pendarvis, Esq; stood Candidates at the last Election of a Burgess for the said Burrough, when the Mayor refused to Poll several for the Petitioner who had a right to Poll, and admitted others to poll for Mr. Pendarvis that had no right, and many who declared their intentions to Vote for the Petitioner, were by indirect practices prevailed upon to Vote for Mr. Pendarvis, who hath procured

cured himself to be returned upon pretence of having a majority of two Voices, tho' the Petitioner had the majority of legal Voices, according to the Rules settled at the taking of the Poll, and praying Relief in the Premises; was read and referred.

Burgus de Plymouth, in Com' DEVON.

1678. **D**IE Mercurii, 19 Martii, —78. See Berealston.

1689. *Die Luna, 28 Octobris, 1689.* A Petition of *Martin Ryder, Esq;* That he being duly elected for the said Burrough, in the room of *Arthur, Earl of Torrington*, by a majority of the Electors polled and allowed by *William Symmonds, Esq;* then Mayor of the said Burrough, yet the said Mayor hath returned the Honourable *John Granville, Esq;* in prejudice to the Petitioner; and praying the House to take the Merits of the said Election into Consideration, and appoint a Day for hearing the same, and give Redress therein. And,

Ordered to be referred to the Committee of Privileges, &c.

Martis, 31 Decembris. Mr. Gray reported the Case of the said Election, viz. That the Petitioner insisted, That *Plymouth* was a Burrough by Prescription, and incorporated in the Reign of *H. 6.* and that the Right of Election was in the Freeholders, and Freemen of *Plymouth*, and that he had the majority upon the Poll of both,

For the sitting Member 'twas insisted, That *Plymouth* being a Burrough by Prescription, the Right of Election could not be in the Corporation, or Freemen, tho' of late they had interposed in Elections. But that it was in the Free-holders only, whereof the sitting Member insisted he had the majority.

But for the Petitioner was produced the Resolution of the House of Commons, 9 Junii, 1660. "That the Right of electing Burgesses for *Plymouth*, was in the Mayor and Commonalty—— And also the following Indentures of Return, viz.

1 Jac. 1. *Major & Communitas ex eorum communi assensu & generali Consensu elegerunt—— Indentur' sub sigillo Majoris & Communitatis.*

26 Eliz. *Major & Communitas nominaverunt & assignaverunt Burgenses—— Indentur' sub sigillo Majoris & Communitatis.*

2 P. & M. Mayor, Burgesses, and Commonalty of *Plymouth* elected, the Indenture under the Common-Seal of the Mayor, Burgesses, and Commonalty.

1 Car. 1. *Major & Communitas elegerunt—— Indentur' sub communi sigillo Majoris & Communitatis.*

15 Car. 1. *Major & Communitates elegerunt—— Indent' sub sigillo Majoris & Communitat'.*

And *William Cotton* said, the Election of Burgesses had been formerly by the Mayor, Magistrates, and Common-Council, and that no Freeholder was then admitted; but some Freeholders had been admitted since.

And the sitting Member agreed, that Freemen had interposed for 40 or 50 Years, but without any Right.

Samuel Eastlake said, he took the Poll on behalf of Mr. Ryder, and when he numbered them, he found 85 for Mr. Granville, and 89 for Mr. Ryder.

And one *Cotton* said, Mr. Ryder had 55 Freeholders, and Mr. Granville 54.

Then the sitting Member called two Witnesses, who said, That the Poll delivered in by the sitting Member was taken by the Order of the Mayor, and that Mr. Granville had 61 Freeholders, and Mr. Ryder but 53.

Whereupon the Committee Resolved, as their Opinion, "That *John Granville, Esq;* is duly elected a Burgess to serve in this present Parliament, for the Burrough of *Plymouth.* To which the House agreed, *Nemine contradicente.*

1690. *Die Sabbati, 18 Octobris, 1690.* Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for a new Writ to elect a Burgess for the said Burrough, in the room of Serjeant *Maynard*, deceased.

1698. *Die Jovis, 22 Decembris, 1698.* *Charles Trelawney, Esq;* being chosen a Burgess to serve for the Burrough of *Plymouth*, in the County of *Devon.* and also for the Burrough of *Eastlow*, in the County of *Cornwall*, made his Election to serve for the said Burrough of *Plymouth*, and ordered a new Writ for electing another Burgess to serve for the Burrough of *Eastlow*, in his room.

Burgus de Plympton, in Com' DEVON.

Baldwin de Redverys, Earl of Devon, and Lord of the Isle, (that is the Isle of Wight) in the 26th of Henry the 3d, granted to his Burgeses of Plympton, his whole Burgh of Plympton, with the Market and Fairs, and all Appurtenances to the said Burgh belonging, to have and to hold, to them, and their Heirs, of him, and his Heirs for ever, so freely and quietly, with all Liberties and free Customs, eo modo, sicut Cives Exoniæ, melius & liberius habent vel habere debent, in Civitate sua Exoniæ, quam de Rege tenent. This Charter was confirmed by Edward the first, in the 13th Year of his Reign.

26 H. 3.

13 E. 1.

DIE Luna, 24 Martii, 1689, A Petition of the Mayor, Bailiff, and Burgeses of the said Burrough, setting forth, That the Mayor was duly chosen, sworn and admitted into the said Office, yet that no Precept was delivered him, but surreptitiously gotten by Mr. Stroud, and delivered to one *Avent*, who was no way interessed or concerned in the said Burrough, yet he came and published the said Mr. Stroud, and George Parker, Esq; Burgeses, and got the Sheriff to return them, in prejudice to the Petitioners: And praying Relief in the Premises.

1689.

The Petition being read, the Question was put, That the matter of the said Petition be heard at the Bar of the House? On a Division of the House, *Yeas*, 174. *Noes*, 168. It was ordered, That it be heard at the Bar of the House, this Day three Weeks.

Die Sabbati, 29 Martii, 1690. Ordered, That the Town-Books of the said Burrough of Plympton, touching the Elections of Mayors, and other Officers there, from 1684, to 1689, be produced at the hearing of that Election, at the Bar of the House, on *Munday* the 14th of *April* next. And accordingly,

1690.

Die Luna, 14 Aprilis, 1690. The House proceeded to the hearing of the Debates, upon the above Petition of the Mayor, Bailiffs, and Burgeses of the said Burrough of Plympton. And the Petitioners and Parties, and Council on both Sides were called in, and the said Petition read; and after Examination of divers Witnesses, and hearing read a Charter of Incorporation, granted by Queen *Elizabeth* to the said Burrough, and a Surrender thereof to King *Charles* the 2d, dated the 12th of *July*, 1684, and inrolled in the Court of *Chancery*, the 17th of *March*, 1684, from the said Corporation, of all their Liberties, Franchises, Privileges, Charters, Letters-Patents of Incorporation, and Jurisdictions whatsoever, at any time, or times, heretofore granted to, and held or enjoyed by, the said Mayor, Bailiffs, Burgeses, and Inhabitants, or their, or any of their Predecessors, by any ways or means, or by what Name or Names soever.

And a new Charter, dated the 21 of *March*, 1684, granted by the late King *James* to the said Burrough, and an Order of the Privy-Council, dated the 7th of *December* 1688, read, and after hearing Council on both sides, and they being withdrawn, the Question was put, Whether *Richard Strode*, and *George Parker*, Esqs. are duly elected Burgeses to serve in this present Parliament, for the Burrough of *Plympton*; in the County of *Devon*, and it passed in the Negative.

Resolved, " That the Election of Burgeses for the said Burrough of *Plympton*, is a void Election.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ, for choice of two new Burgeses, to serve in this present Parliament, for the said Burrough.

Then the Question being put, That the House do adjourn, it passed in the Negative.

Resolved, " That the Charter granted by the late King *James*, to the Burrough of *Plympton*, is illegal, and destructive to the Constitution of the Government.

Resolved, " That this House, upon *Thursday* Morning next, take into Consideration who were the Advisors and Procurers of the said Charter of *Plympton*, and such as passed the same, and the Surrenderers of the old Charter.

The Question being put, That the House do adjourn, &c. It passed in the Negative.

Then the Question was put, That *John Avent*, the pretended Mayor of *Plympton*, be sent for in Custody of the Serjeant at Arms, attending this House, for his Misdemeanor

meanor in the late Election of Burgeses to serve in this Parliament for the said Burrough. The House divided, *Yeas*, 144. *Noes*, 124. So it passed in the Affirmative. and Resolved accordingly.

1690. *Die Veneris*, 2 *Maii*, 1690. A Petition of the Freeholders, Inhabitants, and Burghers of the ancient Town and Bailiwick of *Plympton*, setting forth, That by a Grant in the Reign of King *Henry* the 3d, the Bailiffs, Freeholders, and Inhabitants, had power to elect and Return two Burgeses to serve in Parliament, which continued till Queen *Elizabeth's* Reign, when by some undue means, a Charter was procured to make the said Town become a Mayor Town, who by making Foreigners free thereof, have usurped the Power of Elections, and Right of Returns from the Petitioners, thereby debarring them from voting for *Richard Strode*, and *Peter Fortescue*, Esq'; and having surrendered the said Charter to the late King *James*, have procured a new one, whereby a greater Power is pretended in depriving the Petitioners of their Right, and praying the Consideration of the House in the Premises; was read and referred. Also,

A Petition of *Richard Strode*, and *Peter Fortescue*, Esq', setting forth, That the late Election for the Town of *Plympton* being declared void by this House, and a new Election ordered, the Petitioners were duly elected thereat by a majority of the legal and ancient Votes of the said Burrough; but that *John Tozer*, the pretended Mayor, tho' he lives three Miles distant from the said Burrough, committed divers arbitrary and illegal Acts, in hindrance of the Petitioner's Election, and hath since very wrongfully returned *Sir George Treby*, their Majesty's Attorney General, and *John Pollexfen*, Esq; in manifest injury to the Petitioner, and the said Burrough; and praying the Consideration of the House; read and referred.

1690. *Die Martis*, 14 *Octobris*, 1690, being the second Session of that Parliament, the said Mr. *Strode* renews his Petition, viz. That there being a Precept directed for electing two Burgeses for the Burrough of *Plympton*, the Petitioner, on the 26th of *April* last, was duly chosen one of them, but that *John Tozer*, the pretended Mayor, with others, usurping to themselves the sole Right of electing, refused to admit the Petitioner's Voices, and to grant a Poll, tho' often required; and have wrongfully return'd *Sir George Treby*, and *John Pollexfen*, Esq; in prejudice of the Petitioner. Also,

A Petition of the Freeholders and Inhabitants of *Plympton*, That a Precept being granted for electing two Burgeses for the said Town, the Petitioners, on the 26th of *April* last, voted for *Richard Strode*, and *Peter Fortescue*, who were duly elected by the majority of legal Voices; but that *John Tozer*, pretending himself to be Mayor, and some other of his Accomplices usurping the sole Right of Election, refused to admit the Petitioner's Voices, or to grant a Poll, tho' often required; and have wrongfully returned, *ut supra*; read and referred.

1691. *Die Martis*, 27 *Octobris*, 1691. The said Mr. *Strode* again Petitions the House, setting forth, that on the 26th of *April*, 1690, came on the Election for the said Burrough of *Plympton*; but that one *John Tozer*, having by indirect means gained the Precept, and usurping the Office of Mayor, (tho' he liv'd two Miles from the Burrough, and was not legally qualified, nor chosen to be Mayor) did before, and at the Election, threaten the Petitioner's Voters, and refused their Votes, and denied to grant a Poll, tho' demanded, and hath return'd *Sir George Treby*, and *John Pollexfen*, Esq; in injury to the Petitioner, &c. read and referred.

Die Sabbati, 5 *Decembris*, 1691. Ordered, That *Richard Strode*, Esq; have leave to withdraw his Petition touching the Election for the Burrough of *Plympton*, in the County of *Devon*.

1692. *Die Veneris*, 4 *Novembris*, 1692, being the fourth Session of that Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough of *Plympton*, in the room of *Sir George Treby*, Knt. now Chief Justice of the Court of *Common-Pleas*.

Burgus de Pontefract, in Com' YORK.

DIE Veneris, 29 Novembris, 1695. A Petition of Sir John Bland, Knt. setting forth, That at the Election for Members to serve in Parliament for the said Burrough of Pontefract, Sir William Lowther, Mr. Monckton, and the Petitioner, stood Candidates to be elected; that several undue Practices were used by the Mayor, and others, in threatening several that would have voted for the Petitioner, and denying others, and by setting down several for the sitting Members, who were not qualified to vote, to the great injury of the Petitioner, and praying the House to consider of the Premises, and to do therein as to them shall seem meet; was read, and referred to the Committee of Privileges, &c. But, 1695.

Die Luna, 10 Februarii, 1695. Ordered, That Sir John Bland have leave to withdraw his Petition, touching the Election for the said Burrough of Pontefract.

Die Veneris, 16 Decembris, 1698. A Petition of Robert Monckton, Esq; setting forth, That the Petitioner was duly chosen a Burgess, to serve as a Burgess in this present Parliament, for the said Burrough, and ought to have been returned as such, but by corrupt and illegal Methods, John Bright, Esq; procured himself to be returned, in wrong to the Petitioner, and praying Relief therein; was read and referred. 1698.

Die Jovis, 16 Novembris, 1699. A Petition of Robert Monckton, Esq; complaining of an undue Election and Return for the said Burrough of Pontefract, was presented to the House, and read and referred to the said Committee. 1699.

Die Luna, 15 Januarii, 1699. Ordered, That the Report from the said Committee, touching the said Election, be made upon Wednesday Morning next. And accordingly,

Die Mercurii, 17 Januarii, 1699. Sir Rowland Gwyn reported from the said Report. Committee, the matter, as it appeared to them, touching the said Election, and the Resolution of the Committee thereupon, which he read in his place, and afterwards delivered in at the Table, where the same was read, and is as followeth, viz.

Resolved, "That it is the Opinion of this Committee, that John Bright, Esq; is "duly elected a Burgess to serve in this present Parliament, for the said Burrough of "Pontefract.

The said Resolution being read a second time, and the Question being put, That the House do agree with the Committee in the said Resolution.

It passed in the Negative.

The Question being put, That Robert Monckton, Esq; is duly elected a Burgess to serve in this present Parliament, for the said Burrough of Pontefract.

It passed in the Negative.

Ordered, That Mr. Speaker do issue his Warrant to make a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough, in the room of John Bright, Esq; who is adjudged not to be duly elected.

Die Mercurii, 14 Februarii, 1699. A Petition of several Aldermen and Burgesses of the ancient Burrough of Pontefract, in behalf of themselves, and of the majority of Aldermen and Burgesses of the said Burrough, was presented to the House, complaining of an undue Election and Return for the said Burrough of Pontefract, was read and referred.

Die Mercurii, 21 Februarii, 1699. The House being acquainted, That the said Committee had appointed the matter touching the Merits of the Election for the said Burrough, to be heard upon the 6th Day of March next, by which, several Witnesses, who are at a great distance, cannot be brought up to attend the said Committee.

Ordered, That the Merits of the said Election be heard by the said Committee, upon Friday the 15th of March next.

Die Jovis, 29 Februarii, 1699. Ordered, That the Merits of the Election, touching the said Burrough, be heard before the said Committee, upon Monday the 8th Day of April next. But nothing further done therein.

Burgus de Poole, in Com' Dorset.

1695. **D**IE Jovis, 2 Maii, 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burges for to serve in this present Parliament, for the said Burrough, in the room of Sir John Trenchard, Knt. deceased.

Villa de Portsmouth, in Com' SOUTHAMPTON.

1678. **D**IE Mercurii, 19 Martii, 1678. A Petition of John Beechy, Esq; complaining of an undue Return of Sir John Kempthorn, to serve as a Burges for the said Burrough, in injury of the Petitioner, who was duly elected, and ought to have been return'd; was read and referred. *Sed nil ultra.*

Die Lunæ, 24 Martii, 1689. A Petition of Henry Slingsby, Esq; setting forth, That Nicholas Hedger, Mayor of Portsmouth, upon pretence of having surrendred his Office, (which he could not legally do) had by undue means caused himself to be Return'd with the Honourable Edward Ruffel, Esq; notwithstanding he is still the legal Mayor of the Town, in prejudice to the Petitioner, who had the majority of legal Voices, and ought to have been Return'd, &c. was read and refer'd.

1695. *Die Jovis, 5 Decembris, 1695.* A Petition of divers of the Inhabitants of Portsea, in the said County, setting forth, That the Inhabitants of the said Burrough paying Scot and Lot, have a Right to elect Members to Parliament, for the Burrough of Portsmouth, and the Petitioners, (who live within the Jurisdiction of the said Burrough) were denied to give their Voices for Edmund Dummer, Esq; That many ill Practices were used in behalf of Nicholas Hedger, Esq; viz. by shutting up the Gates of the Town, to prevent those from voting that live without, who would have polled for Mr. Dummer, bythreatning many of the Petitioners with corporal Punishment, for offering to poll for Mr. Dummer, and (in a hostile manner) by keeping a Guard of Soldiers, drawn from the main Guard of the Town, to threaten and discourage Mr. Dummer's Friends from voting for him; by which, and many other Practices, Mr. Hedger was illegally declared, and chosen a Member to serve in this present Parliament, for the said Burrough, in manifest wrong to the Petitioners Right; and praying that the House will take Cognizance of such illegal Practices, and give them such Relief in the Premises, as to the House shall seem meet; was read and referred to the Committee of Privileges and Elections.

1695. *Die Sabbati, 28 Decembris, 1695.* A Petition of Matthew Aylmer, Esq; setting forth, That at an Election for a Burges, to serve in this present Parliament, for the said Burrough; the Petitioner, and Col. Gibson, stood Candidates, and many Hundred of the Inhabitants voted for each of the Candidates, and the Poll was taken of all such Votes, by Consent before the casting-up thereof, whereupon it appeared that the Petitioner had the majority without contradiction, and the Petitioner was then declared elected; and demanded, and was promised (by the Town Clerk) a Return the next Day. But, afterwards, the Mayor, at a private Consult, (between him and some few Aldermen) was prevail'd upon to put the Common Seal to an Indenture and Return now with the Clerk of the Crown, wherein it is mentioned, That the Mayor, Aldermen, and Burgeses had chosen Col. Gibson, and that part of the Burgeses, with the major part of the Inhabitants had chosen the Petitioner, though, during the whole Transaction, there was not the least Claim or Pretence for the Burgeses to elect, exclusive of the Inhabitants, and praying the Consideration of the House, and Relief in the Premises; was read, and referred to the said Committee.

Die Lunæ 30 Decembris, 1695. A Petition of John Gibson, Esq; setting forth, That the Petitioner, and Matthew Aylmer, Esq; stood Candidates at the Election of a Burges to serve in this present Parliament for the Burrough of Portsmouth, and the Petitioner was duly elected by the Mayor, Aldermen, and Burgeses, in whom the right of electi-

on is, but Mr. *Aylmer*, by many undue practices, and by setting up the right of Election to be in the Populace, (who never pretended to have any Vote until since the Revolution, and the same never controverted) hath procur'd himself to be return'd in the same Indenture with the Petitioner, whereby the Petitioner is hinder'd from sitting in the House till the Matter of the Return be determined, for which reason he intended to Petition the House, but that he was informed he ought to stay until the Return came to the Clerk of the Crown, which was not till this Morning, as the Petitioner is informed, though Mr. *Aylmer* hath obtained an Order, upon his Petition, for a speedy hearing, upon a suggestion, that the Return was then with the Clerk of the Crown, and that the Petitioner procured the same to be made, which could not be, for that the Petitioner was absent from *Portsmouth*, when Mr. *Aylmer*, by threats, procured the Mayor to make the said Return; and praying, that the House will appoint a time for hearing the Merits of the Election, as well as the right of the Return, was read and referred to the same Committee.

Die Luna 6 Januarii, 1695. A Petition of several Aldermen and Burgeses of the said Burrough, setting forth, That at the last Election of a Burgess to serve in this present Parliament for the said Burrough, a considerable majority of the Mayor, Aldermen, and Burgeses, in whom only is the right of Election, chose *John Gibson*, Esq; for their Burgess, but the Mayor being threatned and overaw'd, admitted the Populace to Poll, contrary to the ancient Custom of the said Burrough, hath returned *Matthew Aylmer*, Esq; together with the said Mr. *Gibson* in the same Indenture, in prejudice of the Petitioner's Right, and praying the relief and consideration of the House in the Premises, was read and referred to the said Committee. And

Ordered, That the said Committee do hear and examine the same, at the same time with the Matter of the Petitions of *Matthew Aylmer* and *John Gibson*, Esqs; touching the said Election and Return.

Die Martis 21 Januarii, 1695. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the said Burrough, be made upon Friday morning next. And accordingly,

Die Veneris 24 Januarii, Mr. Solicitor General reported from the said Committee the Matter of the said Election, &c. viz.

That upon the several Petitions of *Matthew Aylmer*, Esq; *John Gibson*, Esq; and of several Aldermen and Burgeses of the said Burrough, the Committee had examined the Matter of that Return, and also the Merits of that Election. And,

That they had inspected the Record of the Return, and it appeared, That *John Gibson*, Esq; and *Matthew Aylmer*, Esq; were returned by one and the same Indenture, so that the determining the right of the Return, depended intirely upon the Merits of the said Election.

That thereupon they appointed a Day for the hearing the Merits of the Election, at which time, on behalf of Admiral *Aylmer*, was produced

Mr. *Suffield*, who said, That he had liv'd in *Portsmouth* 28 or 29 Years, and that since the late Revolution, the Inhabitants, at large, have been admitted to Vote for Parliament Men, with the Mayor, Aldermen and Burgeses, and that at this Election the Inhabitants did Vote with the Burgeses, and Collonel *Gibson*, and Admiral *Aylmer*, did agree to stand by that Poll, and that Admiral *Aylmer* carried it with fairness and unconcernedness. That he was acquainted with 4 Elections before this Revolution, and though the Inhabitants were not admitted to Poll by the Corporation, yet somebody used to take the Poll for them; and that Mr. *Richard Stevens* was chosen by the Inhabitants, and upon their Right he did Petition the *Oxford* Parliament.

That to prove the Right in the Inhabitants was produced a Charter of Confirmation to the said Burrough, 4 *Novembris*, 3 *Car.* by which it appeared, that they had been Incorporated by divers Names, and this Charter confirm'd them by the Name of Mayor, Aldermen and Burgeses.

That on behalf of Admiral *Aylmer*, was also produced several Indentures of Return, viz.

9 *Novembris*, 26 *Eliz.* The Mayor, Burgeses and Freeholders elected.

9 *Januarii*, 1688. The Mayor, Aldermen, Burgeses and Commonalty elected, by virtue of a Precept from the Prince of *Orange*.

3 *Martii* 6 *Gulielmi & Mariae.* The Mayor, Aldermen, and Burgeses, together with the Commonalty elected.

To prove the Right in the Mayor, Aldermen, and Burgeses, were produced several Returns, viz.

- 17 E. 4. Thirteen Burgesſes named elected.
 7 E. 6. The Mayor and 11 Burgesſes elected.
 1 Maria. The Mayor and 13 Burgesſes elected.
 1 Eliz. The Mayor and 12 Burgesſes elected.
 30 Eliz. The Mayor and Burgesſes elected.
 43 Eliz. The ſame.
 1 Jac. The ſame.
 3 Car. 1. The Mayor with the whole aſſent and Conſent of the reſt of the Burgesſes elected.
 16 Car. 1. The Mayor, Aldermen, and Burgesſes elected.
 12 Car. 2. The ſame.
 13 Car. 2. The ſame.
 15 Feb. 31. Car. 2. The ſame.
 33 Car. 2. The ſame.

That *John Blakely* ſaid, he had liv'd in *Portsmouth* above 29 Years, and had known ſeveral Elections; and that in an Election upon a Diſſolution in King *Charles* the Second's time, and King *James* the Second's time, the Mayor, Aldermen, and Burgesſes only had elected; and that the Inhabitants had ſometimes demanded a Poll, but it was not granted them.

Thomas Launder ſaid, he was Clerk to the Town Clerk in 78 and 79, and that none but the Mayor, Aldermen and Burgesſes then elected.

Mr. Biſſel, the Town Clerk, produced the Poll, by which, as it was promiſcuouſly taken of the Mayor, Aldermen, Burgesſes and Inhabitants, it appeared that there were,

For { Collonel *Gibſon* ——— 219.
 Admiral *Aylmer* ——— 234.

But ſaid, That Collonel *Gibſon* had the majority by above 20, of the Mayor, Aldermen, and Burgesſes.

Mr. Suffield, *Mr. Boucher*, and *Mr. Bartin* teſtified, that Alderman *Blakely* ſpoke to the Inhabitants, and told them, that they had all a right to Vote, and that both the Candidates declared they would ſtand by the Poll. And accordingly, the Town Clerk was about to make a ſingle Return for Admiral *Aylmer*, but the Mayor ſnatch'd it from the Town Clerk, and ſaid he would make another Return.

Thomas Rich ſaid, the Mayor wiſh'd Admiral *Aylmer* Joy, and gave order for the Bells to be Rung upon his account.

That then the Council on both ſides inſiſted, that there had been ſeveral irregularities on both ſides at the Election; and on behalf of Admiral *Aylmer* was produced,

Thomas Triggs, who ſaid, That he voted for Admiral *Aylmer*, and that Collonel *Gibſon* came to his Houſe with the Maſter Gunner, and Trumpers ſounding before him, and bid them turn the Rogue upſide down, and the Rabble broke his Windows.

Henry Coward ſaid, That about 2 a Clock he was alarum'd by the Noiſe of a Drum, ſo he went to the Market place, where he ſaw a huddle of People crying out a *Gibſon*, a *Gibſon*, and that the Maſter Gunner (whoſe Name was *Moody*) becauſe *Coward* had declared for Admiral *Aylmer*, threatened to take all his Buſineſs from him.

John Rutter ſaid, That before the Election, telling *Bentley* that he was for Admiral *Aylmer*, *Bentley* threatened to ſhut his Windows down.

That on behalf of Collonel *Gibſon* and the Burgesſes were produced,

John Blakely, *Thomas Bartin*, *Henry Seagar*, and *Robert Shales*, who proved, that Letters having been ſent to Admiral *Ruſſel*, that the Corporation had uſed Admiral *Aylmer* ill; Admiral *Ruſſel* did write to *Mr. Bartin* and *Mr. Shales* each of them a Letter to this effect; that if they ſlighted his recommendation of Admiral *Aylmer*, he would take ſuch meaſures as might make them repent it; and that if Admiral *Aylmer* was not return'd, and there was juſt ground for a Petition, he would ſpend 1000 £. to do Admiral *Aylmer* Right.

That then *Mr. Hodges* and *Mr. Holt*, 2 Members of the Houſe informed the Committee, that they had been at ſeveral Elections before the Revolution; and that the Inhabitants always claimed their Right to Vote.

And that upon the whole Matter the Committee came to theſe Reſolutions as their Opinion, viz.

1. " That the Right of Election of Burgesſes to ſerve in Parliament for the Borough of *Portsmouth*, is in the Mayor, Aldermen, and Burgesſes of the ſaid Borough only.

2. " That

2. "That *John Gibson*, Esq; is not duly elected a Burgess to serve in this Parliament for the said Burrough.

3. "That *Matthew Aylmer*, Esq; is not duly elected a Burgess to serve in this Parliament for the said Burrough.

4. That the said Election of a Burgess for the said Burrough is a void Election.

And the said several Resolutions were, on the Questions severally put, agreed unto by the House.

Die Martis 21 Januarii, 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, (in the room of *Edward Ruffel*, Esq; who made his Election to serve for the County of *Cambridge*) the last Election being adjudg'd a void Election.

Burgus de Preston in Com' LANCASTER.

Preston in Lancashire was made a Burgh by King Henry the 2d, had new Liberties granted by King John, when Earl of Moreton and Lancaster, which were confirmed by King Henry the 3d, and Edward the 3d. Rot. Cart. 2 E. 3. N. 6. by Inspectimus.

DIE Mercurii 2. Aprilis 1679. Mr. Chancellor of the Dutchy of *Lancaster* being elected to serve both for the County of *Lincoln*, and also for the Burrough of *Preston* in the County of *Lancaster*, made his Election to serve for the County of *Lincoln*. And ordered a Warrant for a new Writ for Election of a Burgess for the Burrough of *Preston*. 1679.

Die Martis 25 Martii, 1690. A Petition of *Thomas Patten*, Esq; setting forth, That he was duly elected for the said Burrough, yet the Mayor, Bailiffs, and several of the Burgesses, to whom the Precept was directed, by undue practices have return'd the Honourable the Lord *Willoughby* of *Eresby*, in prejudice of the Petitioner, and praying the consideration of the House, and relief in the Premises, was read and referred, &c. And in the following Session, viz. 1690.

Die Jovis 16 Octobris, 1690. The said Mr. *Patten* again Petitions, That he is duly chosen for the Burrough of *Preston*, yet *Robert Lord Willoughby* being a Candidate, the Mayor, Bailiffs, and several of the Burgesses, to whom the Precept was directed, have by undue practices procured many Voters for his Lordship; and polled many unqualified for him, and refused many qualified for the Petitioner, and have return'd him in prejudice to the Petitioner, &c. read and referred. Also

Die Veneris 17 Octobris, 1690. A Petition of the Mayor, Bailiffs, majority of Aldermen, Common Council, and Capital Burgesses of the said Burrough of *Preston*; That the Lord *Willoughby* of *Eresby* was duly elected and return'd for the said Burrough, but is since called up by Writ of Summons to the House of Lords, whereby the Burrough is now represented by only one Member; that *Thomas Patten*, Esq; hath exhibited his Petition, alledging, he is duly elected for the said Burrough, which is referred to the Committee of Elections, but can't be heard in course in a long time; and praying a short day to hear the Petition, and that the Petitioners may, at the same time, be heard against the Pretensions of the said *Thomas Patten*.

Die Mercurii 22 Octobris, 1690. Ordered, That the matter touching the Election for the Burrough of *Preston* in the County of *Lancaster*, be heard at the Bar of this House upon this day Month, and that *Thomas Patten*, Esq; the Petitioner touching the said Election, have notice of this order.

Die Lune 17 Novembris, 1690. Ordered, That the hearing the matter touching the Election for the Burrough of *Preston* in *Lancashire*, which was ordered to be heard upon *Wednesday* morning next, be put off and heard on *Thursday* morning next at the Bar of this House.

Die Mercurii 19 Novembris, 1690. Ordered, That the said Election be heard to-morrow Morning at 9 of the Clock.

Die

Burgus de New Radnor.

Die Jovis 20 Novembris, 1690. Then the matter touching the Election for the Burrough of *Preston* in the County of *Lancaster*, was heard at the Bar of this House, both upon the Petition of *Thomas Patten*, Esq; complaining of the Election and Return of *Robert Lord Willoughby of Eresby*, to serve as a Burgess for the said Burrough, and upon the Petition of the Mayor, Bailiffs, majority of Aldermen, Common Council, and Capital Burgesses of the said Burrough, and Council on both sides being called in, and heard, and withdrawn,

Resolved by the House, That *Robert Lord Willoughby of Eresby*, was duly elected a Burgess to serve in this present Parliament for the Burrough of *Preston* in the County of *Lancaster*.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing a Burgess to serve in this present Parliament for the Burrough of *Preston* in the County of *Lancaster*, in the room of the Lord *Willoughby of Eresby*, now called up to the House of Lords.

1695. *Die Sabbati 7 Decembris, 1695.* A Petition of *Sir Christopher Greenfield*, Knt. setting forth, That the Petitioner was duly chosen one of the Burgesses to serve in this present Parliament for the said Burrough, and as such ought to have been returned, but by the corrupt practices of *Thomas Molyneux*, Esq; he has procured himself to be returned, though he was not duly elected; and praying that the House will give the Petitioner such relief in the Premises as they shall think fit, was read and referred.

Burgus de Quinborough in Com' KENT.

1678. *DIE Veneris 28 die Martii, 1678.* A Petition of *Edward Hales*, Esq; complaining of undue practices in the Mayor of *Quinborough*, in returning *James Herbert*, Esq; to serve in this Parliament for the said Burrough, was read and referred, *sed nil ultra.*
1696. *Die Martii 20 Octobris, 1696.* *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgess to serve in this Parliament for the said Burrough, in the room of *Caleb Banks*, Esq; deceased.

Burgus de New Radnor in Com' YORK.

1678. *DIE 20 Martii, 1678.* A Petition of *Richard Derham*, Esq; complaining, that altho' he was duly elected to serve in this present Parliament as Burgess for the Burrough of *New Radnor* in the County of *Radnor*, yet the Bailiff of the said Town, combining with *Sir Edward Harley*, had by an Indenture return'd the said *Sir Edward Harley*, but that the same was not returned by the Sheriff, and praying Justice of the House therein, was read and referred to the Committee of Elections and Privileges.

Resolved, That the Clerk of the Crown do attend to morrow Morning, to give an account of the Writ for *Radnorshire*.

Die Veneris 21 Martii, 79. The Clerk of the Crown attending, was ordered to be called in to give an account touching the Return for *Radnor*, and being called in, he acquainted the House that there was no Return for the Town of *Radnor* affixed to the Writ, but a Return for the County only.

And one Mr. *Ostland* being called in, and informing the House that he had an Indenture which he was directed by the Sheriff to annex to the Writ, and that he had tendered the same to the Clerk of the Crown, who refused the same, and the Indenture being brought up to the Table,

Ordered, That the Clerk of the Crown do affix the Precept and the Indenture to the Writ for *Radnor*, which he accordingly did.

Die

Die Jovis, 27 Martii, 1679. A Petition of *Richard Derham, Esq.* That he was duly elected to serve in this present Parliament, for the Burrough of *New-Radnor*; but notwithstanding one *John Luntley*, Bailiff of the said Town, hath returned *Sir Edward Harley* to serve in this present Parliament, in injury of the Petitioner, who was duly elected, and ought to have been returned; was read, and *Resolved*, That the said Petition do lie upon the Table till *Mr. Derham* do come and own the same. 1679.

Die Veneris, 28 Martii, 1679. A Petition of *Richard Derham, Esq.* complaining of undue Practices in the Election of a Burgess to serve in Parliament, for the Town of *New-Radnor*, was tendred to be read; and *Mr. Derham* being called in to the Bar of the House did own the same.

Resolved, That the said Petition be referred to the Consideration of the Committee of Elections and Privileges, &c. but nothing further done therein.

Die Martis, 25 Martii, 1690. A Petition of *Robert Harley, Esq.* That he was duly elected for the said Burrough, by the majority of those who had a Right to vote; yet the Bailiff hath returned *Sir Rowland Gwyn*, in prejudice to the Petitioner; and praying the Consideration of the House, and Relief in the Premises; read and referred. 1690.

Die Luna, 6 Octobris, 1690, (being the second Session) the same Petitioner renews his Petition, That the High Sheriff of the County of *Radnor*, proceeded to an Election about the 25th of *February* last, but issued no Precept to the Bailiff of *New-Radnor*, so that the Election for that Burrough began not till the 17th of *March*: Notwithstanding which unwarrantable Practices, the Petitioner was duly elected by the majority of legal qualified Voices; but the Bailiff returned *Sir Rowland Gwyn*, in prejudice to the Petitioner, &c. read and referred.

Die Martis, 11 Novembris, 1690. Ordered, That the Chairman of the Committee of Privileges and Elections, do make the rest of his Reports to morrow Morning. Vide Bp.

Die Mercurii, 12 Novembris, 1690. *Mr. Gray* reported from the Committee of Reports, Privileges and Elections, the Case touching the Election of Burgesses to serve in this present Parliament, for the said Burrough of *New-Radnor*; referred to the said Committee, upon the Petition of *Robert Harley, Esq.* complaining of an undue Return of *Sir Rowland Gwyn*, to serve for the said Burrough, viz.

That the Question was concerning the Right of Election, which (the Petitioner insisted) lay in the Burgesses of *Radnor, Ryader, Knighton, Knucklas, and Kevenlice* only. But,

The sitting Member insisted, That *Paines-Castle, and Presteigne* had an equal Right in electing with the said other Towns.

That as the Poll was taken, the Numbers, (without *Paines Castle and Presteigne*) were,

For *Sir Rowland Gwyn*—————172.

For *Mr. Harley*—————173.

But that several others were excepted to, and taken off from *Sir Rowland's* Poll.

That besides these, there were 45 of *Presteigne*, and 34 of *Paines-Castle* that voted for *Sir Rowland Gwyn*.

That to prove that *Paines-Castle, and Presteigne* had a Right to join in the Election, the Council insisted on the Statute 27 H. 8. c. 26. that says the Burgesses Fee should be levy'd as well of the Sheriff Towns, as all other ancient Burroughs within the same Shire.

And the Record of a Return, wherein *Presteigne* and *Norton* were mentioned; but it was very much torn and obliterated.

And the Copy of a Record of an Indenture of Return of 30 Car. 2. said to be made between the Bailiff of the ancient Burrough of *Paines-Castle*, and Bailiffs of other Towns therein named.

But it was testified by *John Williams*, aged 64 Years, that had lived in *Presteigne* all his Life; and one other Witness, aged 82 Years, who said he had been Town-Clerk of *New Radnor* 20 Years, and that they never knew any of *Presteigne* vote for Parliament-Men.

Whereupon the Committee came to the following Resolutions, viz.

(1.) *Resolved*, That the Right of Election of Burgesses to serve in Parliament for the Burrough of *New-Radnor*, is in the Burgesses of *Radnor, Ryader, Knighton, Knucklas, and Kevenlice* only.

(2.) "Resolved, That Sir Rowland Gwyn is not duly elected a Burgess to serve in this present Parliament, as a Burgess for the Burrough of *New-Radnor*.

(3.) Resolved, That Robert Harley, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of *New-Radnor*.

To all which Resolutions the House agreed. And, Ordered, That the Clerk of the Crown do attend this House to morrow Morning, with the Return for the said Burrough, in order to amend the same.

1690. *Die Jovis, 13 Novembris, 1690.* The Clerk of the Crown attending according to order, amended the Return for the said Burrough, by raising out the Name of Sir Rowland Gwyn, and inserting the Name of Robert Harley, Esq; instead thereof.

1692. *Die Veneris, 4 Novembris, 1692,* (being the fourth Session of this Parliament) Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough, in the room of Richard Williams, Esq; deceased.

Burgus de Reading, in Com' BERKS.

25 H. 6. In the 25 H. 6. the Return to Parliament for Reading is— 'Testatur quod nos Major & Communitas Burgi de Reding, ordinavimus, eligimus, & nominavimus, de Communi Concilio nostro Symon Kent, & David Gowre, dicti Burgi Burgenses ad comparend', &c. In quorum Testimonium Sigillum commune omnium & singulorum Burgenfium, & Communitatis prædictæ, habentium Electionem interessent' presentibus est appensum. Dat' apud Reding presentibus Johanne Sawyer, Majore Burgi prædict', Roberto Morys, W. Stupper, Ed. Lynacre, J. West, T. Goldoure, Constabulariis. Ric. Farle, Barthol. At-more, Ballivis, & aliis.

7 E. 4. So in the 7 E. 4. The Words of the Return are almost the same, (except Names, &c.) viz. Testatur quod Willielmus Bluer, & Johannes Brode, Ballivi, Burgi de Reading, & Comburgenses Burgi prædict', ex unanimi Assensu & Consensu, Elegerunt Johannem Bucke, & Johanem Upston, Burgenses interessendi ad Parliamentum Domini Regis, &c. In cujus Rei Testimonium Sigillum Commune presentibus appensum.

1 Maria. Amongst the Returns to Parliament, now remaining in the Chapel of the Rolls, is a Return for the said Burrough of Reading, 1 Maria, viz. Hæc Indentura, &c. testatur, quod Major Burgenfes, & Communitas Burgi de Reading, ordinavimus, elegimus & nominavimus, (2. Burgessses.) In cujus rei Testimonium nos Major & Burgenfes Sigillum nostrum commune apposuimus.

1695. **D**IE Sabbati, 7 Decembris, 1695. A Petition of Thomas Petit, Esq; setting forth, That the Petitioner is duly elected to serve in this present Parliament, for the said Town of Reading, but Sir William Rich, and Sir Henry Vane, by Menaces and Combination with divers Persons of the said Town, have obtained a Return of themselves, to the great prejudice of the Petitioners Right, and praying that the House will examine the matters of Fact, and do what shall be just in the Premisses; was read and referred.

1698. *Die Lune, 12 Decembris, 1698.* A Petition of Sir Thomas Stamp, Knt. setting forth, That the Petitioner, and others, stood Candidates at the last Election of Burgessses, to serve in this present Parliament for the said Burrough, and had the majority of legal Voters, and ought to have been returned with Sir Owen Buckingham, and yet John Dolby, Esq; is returned with him, and praying the Consideration of the House in the premisses; was read and referred.

1699. *Die Veneris, 24 Novembris, 1699.* A Petition of Sir Thomas Stamp, was presented to the House, and read, complaining of an undue Election and Return for the said Town, and referred to the said Committee.

Die Lune, 18 Decembris, 1699. Ordered, That the Report from the said Committee, touching the Election for the said Burrough of Reading, be made to morrow Morning.

Die Martis, 19 Decembris, 1699. Sir Rowland Gwyn, (according to Order) reported from the said Committee the Resolution of the said Committee, upon the Petitions touching

touching the Election for the said Burrough of Reading, which they had directed him to report to the House, which he read in his Place, and afterwards delivered in at the Clerk's Table, where the same was read, and also the said Petitions were read, and the said Resolution was agreed unto by the House, and is as followeth, viz.

Resolved, " That the Petition of Sir Thomas Stamp, presented to the House of Commons this Session of Parliament, touching the late Election for the said Burrough, is not the same in substance with the Petition from the said Sir Thomas Stamp, presented to the House of Commons, the last Session of Parliament, relating to the said Election.

Ordered, That the said Committee do not proceed any further upon the said Petition.

Burgus de East-Retford, in Com' NOTTINGHAM.

DIE Jovis, 2 Octobris, 1690. *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the Election of a Burgess to serve in this present Parliament, for the said Burrough, in the room of Evelyn Pierpoint, called up to the House of Peers. 1690.

Burgus de Richmond, in Com' YORK.

John, the eldest Son of the Duke of Britain, and Lord of Richmond, by his Charter without Date, for him and his Heirs, granted to the Burgeses of Richmond, the Burgh of Richemund, with the Markets and Fairs, and the Tolls, with all Rents of Assize, Attachments and Pleas, or Mulcts of the said Burgh, and his whole Demeasn, called The Land of Tonteney, &c. at the Rent of forty Pound per Annum, which Charter was confirmed by Edward the 3d, in the second Year of his Reign. Rot. Pat. 2 E. 3. pars 1. M. 11. per Inspe.

Burgus de Rippon, in Com' YORK.

DIE Jovis, 22 Octobris, 1691. *Ordered*, That Mr. Speaker do issue out his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Burgess to serve in this present Parliament, for the said Burrough, in the room of Sir Edmond Jennings, Knt. deceas'd. 1691.

Civitas de Rochester, in Com' KENT.

In the 17 Ed. 4. there was a Return for this City, the Words whereof are very general, viz. Hæc Indentura facta apud Rochester, &c. Testatur quod Willielmus Mungeham, Major Civitatis Roffen, una cum omnibus & singulis Civibus & Communiariis ejusdem Civitatis eligerunt, & nominaverunt, Johan Kyron, & Willielmum Revers, ad essendum Cives pro Civitate, &c. 17 E. 4.

DIE Mercurii, 19 Martii, 1678. A Petition of Sir Francis Clerk, complaining of an undue Return of Sir John Banks, to serve in this Parliament, as a Citizen for the City of Rochester, in the County of Kent, in injury of the Petitioner, who was duly elected, and ought to have been returned, was read and referred. Sed nil ultra, &c. 1678.

Die

1691. *Die Jovis, 22 Octobris, 1691.* Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing a Citizen to serve in this present Parliament, for the City of Rochester, in the County of Kent, in the room of Francis Clerk, Esq; deceas'd.
1695. *Die Sabbati, 4 Januarii, 1695.* Sir Joseph Williamson being elected to serve in this present Parliament, for the City of Rochester, and also a Burgess for the Burrough of Thetford, in the County of Norfolk, made his Election to serve for the said City of Rochester. Vide *Thetford*. A new Writ ordered.
1698. *Die Veneris, 6 Januarii, 1698.* Mr. Speaker acquainted the House, That he had received a Letter from Sir Joseph Williamson, who is at the Hague; That he being chosen a Citizen for the said City of Rochester, and also a Burgess for the Burrough of Thetford, in the County of Norfolk, elects to serve for the said City of Rochester. And, Ordered a new Writ for electing another Burgess to serve in this present Parliament, for the Burrough of Thetford, in his room.

Portus de Romney, unus de Quinque Portubus.

Great
Domesd.
fo. 4. 2.

In Great Domesday Book, under Title *Chent*, Terra Archiepiscopi Cantuar' is this Entry, viz. Archiepiscopus tener Aldington, in Dominio, &c.— In *Romenel* sunt 85 Burgenses, qui pertinent ad Aldintone Maner' Archiepiscopi, & valuerunt, & modo valent Domino 6 librar'.

Dew's Jour-
nal, fol. 438,
441. 31 Eliz.

Sir Simon Dew's Journal, folio 438, has this Passage, viz.

1588. *DIE Luna, 24 Februarii, 1588.* Mr. Recorder moved touching the want of one of the Barons for the said Port of New-Romney, in the County of Kent, not yet return'd into this House; but yet (he said) duly elected, as he was inform'd, under the Seal of the Corporation of the said Town of New-Romney: And further shewing, that he thought the Precedent thereof might tend to the prejudice both to the Liberties, and also to the Service of this House; prayed Consideration of this House therein. Whereupon, after sundry other Speeches and Arguments to the like effect, by others, it was at last Ordered, That the State of the Case should be further examined by the former Committees of this House, appointed for such Cases of Returns as should happen to fall out during this present Session of Parliament, whose Names then being read by the Clerk, they were appointed to meet at the Rolls, this present Day, at 2 of the clock in the Afternoon, and a note of the Names of the said Committees was then delivered, by the Clerk, to Mr. Cromwell, one of the said Committees.

Die Luna, 3 Martii, 1588. This Day, upon many Speeches used by Mr. Grafton, touching a Report to be made to this House, by the Committees for Examination of the Return of one of the Barons of the said Port, not yet certified into this House from the Clerk of the Crown; Mr. Cromwell, one of the said Committees, reported, that they had met about the same, according to the Commission of this House, and so shewing his own Opinion, it was, after sundry other Speeches, resolved in the end upon the Question, "That he that was chosen by the said Town, should be received" into this House as a Member thereof accordingly.

1690. *Die Luna, 31 Martii, 1690.* A Petition of Sir William Twisden, Knt. setting forth, That he and John Brewer, Esq; were duly elected for the Port of New-Romney, in the County of Kent, yet notwithstanding, Peter Lancaster, Esq; Mayor of the said Port, hath returned Sir Charles Sydley, tho' not duly elected, in prejudice to the Petitioner; and praying the Consideration of the House, and Relief in the Premises; read and referred. And see,

Die Mercurii, 8 Octobris, 1690. i. e. the next Session. Sir William Twisden renews his Petition, That he was elected one of the Barons for the said Port of New Romney, notwithstanding which, the late Mayor returned Sir Charles Sydley, Bar. in prejudice to the Petitioner, &c. read and referred, but nothing done further on either of these Petitions.

Die Jovis, 5 Decembris, 1695. A Petition of Sir Charles Sidley, Bar. setting forth, That the Petitioner was duly chosen one of the Barons of the *Cinque-Ports*, to serve in this present Parliament, for the said Port, and accordingly ought to have been returned, but one Peter Martin, taking upon him to act as Mayor, tho' not qualify'd, hath returned Sir William Twisden, and John Brewer, Esq; to serve for the said Port, to the Petitioner's wrong, and praying that the House will take the matter into Consideration, and do him Justice therein; was read and referred. 1695.

Die Mercurii, 11 Novembris, 1696. Sir William Twisden, Bar. being returned a Burgess for the Burrough of *Apulby*, and also a Baron for the said Port of *Romney*, in the County of *Kent*, made his Election to serve for the Burrough of *Apulby*. And,

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Baron for the said Port of *Romney*, in the room of Sir William Twisden, Bar. who hath made his Election for the said Burrough, of *Apulby*.

Comitatus de Rutland.

Sir Symon Dews, out of an anonymous Journal, which he often cites, has this Account of a Debate in the House of Commons, touching an Election and Return for the said County of Rutland, viz. Sir S. Dew's Journal. fol. 624.

DIE Mercurii, 4 Novembris, 43 Eliz. i. e. 1601. Mr. Serjeant Harris moved the House, 43 Eliz. 1601. That in respect great Danger and Inconvenience might grow by the want of any one particular Member of this House, he thought good to certify to the House the want of a Knight for *Rutlandshire*: For, said he, Sir Andrew Nowell being Sheriff of that County, hath returned himself jointly with Sir John Harrington, to be Knight thereof, which he took, in Law, to be a void Return, because it is against the express Words of the Writ, which are, *Ita quod neque Tu, neque aliquis alius Vicecomes alterius Comitatus eligatur, &c.* which he thought fit to be referred to the Consideration of the House, and prayed that the Record may be sent for from the Clerk of the Crown: For, says he, we know in Law that a Man cannot make an Indenture for himself and the County. for there are required two Persons.

To which Sir Edward Hobbie replied, That notwithstanding this, the House might well receive him, and he vouched a Precedent in the 31 Year of the Queen, when a Writ was directed to the Bailiffs of *Southwark*, to return Burgesses, and they returned themselves, and were received. But if we do not receive him, another Question will grow, Whether a new Warrant must go from the Speaker to elect a new Knight, or from the Clerk of the Crown. To which it was agreed, *per omnes*, that it should be from the Speaker.

Then Mr Wiseman of *Lincoln's Inn* shewed the necessity of having all the Members, because otherwise the Body is but maimed; as also, how dangerous a Precedent this would be if it might pass with the Applause of this House; and, lastly, the Reason of putting in the aforesaid special Words in the Writ, because it must be necessarily intended, That Sheriffs (being so great Officers, and having so great a Charge, and their presence in their Country so requisite) should not be returned: Besides, for that time they be the chief Men of the Shire, and Freeholders, peradventure, for Favour's sake, would rather chuse them, than Men far more sufficient for the Place.

Mr. Carey moved, That if it were with his Will, he should be punish'd by Fine, or otherwise.

Sir John Harrington said, That of his own Knowledge, he knew him to be very unwilling to be elected, but that the Freeholders made answer, They would have none other.

Mr. Speaker said, It could not be intended against his Will, for his Hand is to the Indenture; but he moved, whether it should be intended that this Sir Andrew Nowell were *una & eadem persona*, or not; and tho' it were, yet whether they could take notice thereof, it not being so certify'd out of the *Chancery*; to which all the House answered. *There was no other of that Name.*

Then Mr. Comptroller stood up and moved, That in respect the Return was joint, and that they did disallow Sir Andrew Nowell, he desired to be resolved of the learned

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Masters of the Law, in this House, Whether all the Return were insufficient, and so Sir John Harrington to be excluded? To which all the House said, *No*.

Mr. Serjeant *Harris* said *No*, because the said Warrant is Affirmative to chuse any, but the Sheriff, who is excepted by special Words. So that the Return of the other is warranted, but that of himself is void.

Sir *Edward Hobbie* answered, and said, Nay then, Mr. Serjeant, if you stand on that, I think there are few Knights, in this House, lawfully chosen, for the Words of the Writ and Statute are, *That he must be Commorant within the County*, which but few are. To which not one Word was answered; and that Clause was hushed up.

Mr. Speaker said, Well I will put it to the Question, which shall be twofold, one, Whether the Return be void? the other, Whether a new Warrant shall be sent forth? Which being twice moved, all cry'd, *I, I, I*, not one Man said *No*.

Nota, That this Resolution of the House is directly contrary to a former Precedent, agreed on in the House of Commons, upon Friday the 21st Day of February, in the Parliament, 31 Eliz. 1588, 1589, where Mr. *St. Poole*, being both Knight for the County of Lincoln, and Sheriff of the same, was notwithstanding allowed to retain his place in the House, as a Member thereof, and had only License given him to depart into the said County, about the Business of his Sheriffwick, in no other Form or Manner than is vouchsafed of course to the Members of the House, upon any urgent Occasions by them alledged, requiring their Absence for some time; where other Precedents also to this purpose are vouched, and yet perhaps both the said Precedents may stand good, and be reconciled with this Difference, that where any Man is first Sheriff of some County, and then elected a Knight of the same, or a Citizen, Burgess, or Baron of any City, Burrough, or Cinque Port of the same, that in this Case his Election is void, because it must of necessity follow, (as in this Case of Sir *Andrew Nowel* it did) that he must return himself, which cannot be good in Law; but where a Man is first elected a Member of the House of Commons, be it Knight, Citizen, Burgess, or Baron, and is afterwards made Sheriff of some County, here his first Election standeth good, as it should seem also it doth, altho' he may be first made a Sheriff of some County, and be afterwards elected a Knight, Citizen, Burgess or Baron of, and in some other Shire or County; and the Reason of all is plain in respect that in all these latter Cases, his Return cannot be made by himself, but by the Sheriff of the County where he is chosen; this only holds good in the Case of Knight of the Shire.

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Quere the Case of Sir *Edward Cooke*, who being appointed by the King Sheriff of Buckinghamshire, was, notwithstanding, elected a Member of Parliament, and sat in the House, 1 Car. 1. But I think the King nominated another Sheriff.

1694.

Die Mercurii, 5 Decembris, 1694. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown; to make out a new Writ, for electing a Knight to serve in this present Parliament, for the said County, in the room of Sir *Thomas Mackworth*, Bar. decess'd,

Villa de Rye, Membrum de Quinque Portibus.

1689. *DIE Luna*, 24 Martii, 1689. A Petition of *Caleb Banks*, and *Thomas Frewen*, Esq's; That they were duly elected Members to serve in this present Parliament, by the majority of legal Votes for the said Town and Port, yet the Mayor had return'd Sir *John Austin*, and Sir *John Dorrell*, in prejudice of the Petitioners, and praying the Consideration of the House, and Relief in the Premises; read and refer'd.

1690.

Die Luna, 6 Octobris, 1690. The same Petitioners revive their Petition, which sets forth, That they were duly elected for the Port of Rye, by a majority of legal Votes, yet the Mayor hath returned Sir *John Dorrell*, and Sir *John Austin*, in prejudice of the Petitioners, &c. read and refer'd.

Die Sabbati, 8 Novembris, 1690. Ordered, That the Chairman of the Committee of Privileges and Elections, do make his Reports upon Tuesday Morning next. *Vide Droitwich, Colechester, and Villa de Bucks.*

Die Martis, 11 Novembris, 1690. Ordered, That the Chairman of the said Committee do make the rest of his Reports to morrow Morning. And accordingly,

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Die Mercurii 12 Novembris, 1690. Mr. Grey Reports from the Committee, the Report. matter of the said Election, for the said Town and Port of Rye, viz.

That the Committee had considered the matters to them referred upon the Petitions of Caleb Banks and Thomas Frewen, Esqs; complaining of an undue Return for the Port of Rye. And

That the right of Election for the said Port was agreed to be in the Mayor, Jurats, and Freemen of the Port of Rye.

That Henry Dorrington delivered in a Copy of the Poll, which he said he took by direction of the Petitioners, on which the numbers were

For {	Sir John Dorrell, ———17.
	Sir John Austin, ———19.
	Mr. Frewin, ———18.
	Mr. Banks, ———18.

That as to the Exceptions the matter was thus, there was a dispute between one Thomas Tournay, and one Crouch, about the Mayoralty of Rye, on which there was a hearing before the King and Council, and the King determined it for Crouch, and Commanded him to go down and act as Mayor, who goes down and calls an Assembly, and with consent of the majority of Freemen, makes several new Freemen, six of which voted for the Petitioners.

That after this Tournay brought his *Mandamus* in the King's Bench, and was restored to the Office of Mayor, and then calls an Assembly, in which the said new Freemen were disfranchised, as not being admitted according to Custom, there being no Mayor *de Jure* at that time; and afterwards calls another Assembly, where (the said new Freemen being, as aforesaid, excluded) he admitted, with consent of the majority of the old Freemen, several others, 9 whereof voted for the sitting Members.

That as to one Gribble that voted for the sitting Members, it was testified that he was made Free by his Father's Copy, tho' his Father was discharged by the Commissioners for Regulating Corporations; and that Thomas Tully, and Samuel Jeke, sen. (who voted for the sitting Members) that they were likewise discharged by the said Commissioners, and that upon the whole matter, the Committee came to the following Resolves, viz.

(1.) "That Thomas Gribble, Thomas Tully, and Samuel Jeke, senr. (being discharged by the Commissioners appointed by the Act for regulating Corporations) have a Right to Vote in electing Barons to serve in Parliament for the Port of Rye.

(2.) "That Sir John Austen is duly elected a Baron to serve in this present Parliament for the Port of Rye.

(3.) "That Sir John Dorrel is duly elected a Baron to serve in this present Parliament for the Port of Rye.

The first and second of the said Resolutions being severally read a second time, were, upon the question severally put thereupon, agreed unto by the House.

And the third Resolution being twice read, and the question being put that the House do agree with the Committee in the said Resolution, the House divided, Yeas 197, Noes 180. So it was resolved in the Affirmative.

Die Mercurii 24 Januarii, 1693. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing of a Baron to serve in this present Parliament for the Port of Rye, in the room of Sir John Dorrel, Knt. deceased. 1693.

Die Jovis 12 Januarii, 1698. Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another County Baron to serve in this present Parliament for the said Port of Rye, in the room of Sir John Austen, Baronet, deceased. 1698.

Burgus de Ryegate in Com' SURREY.

DIE Lune 24 Martii 1689. A Petition of Thomas Vincent, Esq; That on the 1689.
26th of February last the Election for Burgesses was had at Ryegate in the County of Surrey, where the Petitioner was duly elected one of the Burgesses, notwithstanding which, Mr. John Parsons, by illegal practices, hath prevailed with Allen Dewdney, the Bailiff of the Burrough, to return him with Sir John Parsons his Father, tho' unduly

duly elected, whereby the Petitioner is deprived of his Right of sitting in this House, was read and referred. And the next Session, viz.

1690. *Die Luna 6 Octobris, 1690.* Mr. Vincent renews his Petition, that he was duly elected for Ryegate by the majority of legal Electors, yet the Bailiff hath returned Mr. Parsons, tho' he was neither duly elected, nor is therefore legally qualified; read and referred.
1695. *Die Martis 3 Decembris, 1695.* A Petition of Thomas Windsor, and Roger James Esqs, setting forth, That the Petitioners were duly elected Burgeses to serve in this present Parliament for the said Burrough, notwithstanding which John Parsons, Esq; hath by undue means and incompetent Votes obtained a majority, and thereby prevailed with the Bailiff of the said Burrough to return him as duly chosen, and praying such relief in the Premises as the House shall think fit, was read and referred.

Comitatus de Salop.

1699. *DIE Jovis 16 Novembris, 1699.* Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Member to serve in this present Parliament for the County of Salop, in the room of Edward Kinafton, Esq; deceased.

Burgus de Saltash in Com' CORNWALL.

Carew's
Survey of
Cornwall.
111, 112.
Dugdal. Ba-
ron, fol. 2.
Col. 1, 2.
Rot. Es-
chaet. 28 E.
1. N. 44.

This Burrough of Saltash was formerly called Essa, and lies in the same Parish, i. e. St. Stephens, where the Castle of Tremeton, the Head of that Honor, formerly stood. And Reginald de Valle Torta or Vautort, who lived in the time of King John, and dyed in the 30th of Henry the 3d, was Lord of the Honor and Castle of Trematon, which was Head of it. To it belonged 59 Fees of the Yearly value of 259 l. 6 s. 8 d. And as the Earls of Cornwall exercised their Jura Regalia in erecting of Burghs in the County, so this Reginald and his Antecessors exercised theirs in erecting the Burgh of Essa or Saltash, within their Honor of Trematon, as appears by the following Charter.

Rot. Pat. 5.
R. 2. pars 1.
M. 10. by
Inspeximus.

Sciatis presentes & futuri quod ego Reginaldus de valle Torta Dedi & Concessi & hac presenti Carta mea Confirmavi Liberis Burgenfibus meis de Essa omnes Libertates & Liberas Consuetudines suas hic Subscriptas quas habuerunt tempore Antecessorum meorum, &c. which were many, and amongst them these, that they should chuse their own Bailiff, or Mayor; that they should have the whole Toll of Bread, Totum Pœnis Theloneum; and that none of his Burgeses should be taken and carried to his Castle, if they were able to find sufficient sureties of their Peers for their Transgressions. This Charter was confirmed by King Richard the Second, in the 5th Year of his Reign, as in the Margin.

1678. *DIE Mercurii 19 Martii, 1678.* A Petition of William Carew, and Richard Jennings, Esqs, complaining of an undue Return of Bernard Grenville, and Nicholas Courtney, Esqs, to serve as Burgeses for the said Burrough of Saltash, in injury of the Petitioners who were duly elected, and ought to have been returned, was read and referred, *sed nil ultra.*
1691. *Die Jovis 22 Octobris, 1691.* Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough in the room of Richard Carew, Esq; deceased.
1692. *Die Veneris 4 Novembris, 1692.* (being the fourth Session of this Parliament) Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Sir John Carew, Baronet, deceased.

Die Mercurii 16 Februarii, 1697. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgeſſ to ſerve in this preſent Parliament for the Burrough of *Saltaſh* in the County of *Cornwall*, in the room of *Francis Buller*, Eſq; deceased. 1697.

Die Luna 2 Januarii, 1698. *John Morris*, Eſq; being choſen a Burgeſſ to ſerve in this preſent Parliament for the ſaid Burrough of *Saltaſh*, and alſo for the Burrough of *Newport* in the County of *Cornwall*, made his Election to ſerve for the ſaid Burrough of *Saltaſh*, and ordered a new Writ for electing another to ſerve in this preſent Parliament for the ſaid Burrough of *Newport* in his room. 1698.

Portus de Sandwich unus de quinq; Portubus.

D*IE Luna 24 Martii, 1689.* A Petition of *John Mitchel*, Eſq; ſetting forth, That the Petitioner, and Mr. Serjeant *Thurbane*, were on the 28th of *February* laſt duly elected Barons for the ſaid Town and Port by the majority of legal Voices, yet Mr. *Brent*, who procured his Votes by Bribery, Threats, and other undue Practices, hath procured himſelf to be returned to the injury of the Petitioner, and praying that the Name of Mr. *Brent* may be taken out of the ſaid Return, and the Petitioner reſtored to his Right, read and referred. And ſee next Sefſions, viz. 1689.

Die Luna 6 Octobris, 1690. Mr. *Mitchel* again Petitions, That the Petitioner and Mr. Serjeant *Thurbane* were duly elected by the majority of legal Voices, yet the Officer hath returned Mr. *Brent* in injury to the Petitioner, read and referred. 1690.

Die Sabbati 25 Octobris, 1690. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the Port of *Sandwich*, be made to this Houſe upon *Tueſday* morning next. But,

Die Martis 28 Octobris, 1690. Ordered, That the ſaid Report be made on *Friday* morning next at 10 a Clock. And accordingly,

Die Veneris 31 Octobris, 1690. Mr. *Gray* Reports from the Committee of Privileges and Elections, the Caſe of the Election for the ſaid Port of *Sandwich*, viz.

That the right of electing was agreed to be in the Freemen of the ſaid Port, Inhabiting within the ſaid Port, whereof on the Poll the numbers ſtood thus, viz.

For {	<i>Serjeant Thurbane</i> —	225.
	<i>Mr. Brent</i> —	124.
	<i>Mr. Mitchel</i> —	114.

That Mr. Serjeant *Thurbane*'s Election was not queſtioned.

But as to thoſe that polled for Mr. *Brent*, the Council for the Petitioner inſiſted, that 4 were made Free after the Teſt of the Writ, (but 3 of them were entitled to their Freedom by Birth) that *Nicholas Priſby* was no Inhabitant within the Port, and that 5 others were Servants, and that 30 and odd were Alms-men, or received a Charitable Donative.

But that it appearing to the Committee that Freemen in general had always voted at Elections for the ſaid Port, the Committee came to the following Reſolutions, viz.

(1.) "That the Freemen of the Port of *Sandwich*, inhabiting within the ſaid Burrough, (although they receive Alms) have a right to Vote in electing Barons to ſerve in Parliament.

(2.) "That *Edward Brent* is duly elected a Baron to ſerve in this preſent Parliament for the ſaid Port of *Sandwich*.

The firſt of the ſaid Reſolutions being read a ſecond time, and the Queſtion being put that the Houſe do agree with the Committee in the ſaid Reſolution, the Houſe divided, Yeas 175, Noes 174. So it paſſed in the Affirmative.

Then the ſecond Reſolution being read a ſecond time, it was, upon the Queſtion, reſolv'd that this Houſe doth agree with the Committee in the ſaid Reſolution.

Die Luna 25 Novembris, 1695. A Petition of *John Thurbarne*, Serjeant at Law, ſetting forth, That the Petitioner was duly elected one of the Barons of the Cinque Ports to ſerve in this preſent Parliament for the ſaid Port of *Sandwich*, and as ſuch ought to have been returned, but *Edward Brent*, and *John Taylor*, Eſqs; have prevailed with the Mayor of the ſaid Port to Return them as Members for the ſaid Port, 1695.

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though they or either of them were not duly chosen, and praying the consideration of the House, and relief in the Premises, was read and referred to the Committee.

Report. *Die Veneris 31 Januarii, 1695.* Collonel *Granville* reported the matter of the said Election, viz. Upon the Petition of *John Thurbarne*, Serjeant at Law, complaining of an undue Return for the Port of *Sandwich*; that the Committee had examined the Merits of that Election, and that the Poll was thus,

For	{	Mr. Taylor, —————	219.
		Mr. Brent, —————	169.
		Mr. Serjeant Thurbarne, ———	147.

But the Petitioner insisted, that many of the fitting Members Voters had been gained by ill Practices, which Voices so gained not being allowed, would give the Petitioner the majority. And,

Robert Goodchild said, that before the Writ came down, and believes about a Month before the Election, at the desire of some of Mr. Taylor's Friends, he went to Mr. Taylor's House with an account of what Men they thought they could engage for him; and that Mr. Taylor said to him, and believes Mr. Mawdy and Mr. Grigg were by, that he heard some got places of Profit by being Parliament Men, and that if the Town chose him, and he got any, he would give half to the Corporation, and 20*l.* a Year to the Poor, and give the Corporation a Treat upon the day he was chosen every Year, and that Mr. Taylor bid him speak of it, and accordingly he did make use of it to persuade several to Vote for Mr. Taylor; that he himself voted for Mr. Taylor, and designed to do so before he had made those Promises, and said he believes he saw Bills of Charges on Mr. Taylor, amounting to 300*l.* and that one *Cricket* was Mr. Taylor's Agent.

Nicholas Twisden said, That Mr. Taylor, the Day before the Election, declared, (*Maudy* being present) if he got a place of a 1000 or 500*l.* a Year, as he hoped he should, or whatever it was, he would give it half to the Town, and *Cricket* said, he would give his Bond that Mr. Taylor should spend 40 or 50*l.* a Year upon the Town, and also give 20*l.* to the Poor; and that *Turner* sitting by, said, he would drink Serjeant *Thurbarne's* health, but he durst not Vote for him, for if he did, they would never employ him again.

John Chapman said, that *Cricket* did declare that Mr. Taylor had promised, and that he the said *Cricket* would give his Bond as above testified; and that on account of his voting for Mr. Brent, *Cricket* had received 40*s.* of *Rickfy* and paid it in part of a Debt of 7*l.* owing from him the said *Chapman* to the said Serjeant, but he acknowledged *Cricket* was bound with him for it.

But it did not appear that *Brent* had any ways employed *Cricket*.

Peter Cricket and *John Moor* said, the Mayor went to several Persons to desire them to Vote for Mr. Brent, and *Moor* owned that he himself had spoken to several to be for the Serjeant.

Isaac Clark, *James Jenkinson*, and *John Stone* said, that a Letter was read as from *Sir Cloudsley Shovel*, by which they pretended that all the Seamen that would not Vote for Mr. Brent should be pressed, and *Rickfy* and others were by at the reading of the Letter, and some Seamen were scared out of the Town at it.

But Mr. *Rickfy* produced a Letter which he said he read, and was the same mentioned before.

And it being read to the Committee, it was only recommendatory of Mr. Brent, without any Threatning or Promise.

John Vatchelor said, *George Broderly*, who voted and made an Interest for Mr. Brent, tendered him two Half Crowns to Vote for Mr. Brent, and Mr. *Rickfy* and *Fisher* were by, and was threatned to be ruined because he would not Vote against the Serjeant.

But *Nicholas Vatchelor*, his Brother said, he had heard his Brother *John* declare, that *Broderly* had offered him no Money.

William Hutton said, he had an old Debt of 3*l.* odd Money owing from *Daniel Curser*, and he dying, the Debt became dubious, and that the said *Hutton* was offered to have the Debt paid if he would Vote for Mr. Taylor.

That for the fitting Members was produced,

John Cricket, who said, that he was at Mr. Taylor's House when the Freemen desired him to stand, and brought him a List of 180 Men that would Vote for him; that they told him they thought it would be a great charge to the Town, being used to drink; and Mr. Taylor said, if he thought it would cost him 150*l.* he would not lay in for it; that he had a Letter from Mr. Taylor not to Treat, but no Letter to Treat; that he was *Chapman's* Godfather, and was Bound with *Chapman* to the Serjeant for the

the 7*l.* and borrowed 40*s.* of *Rickfy* to pay the Serjeant, and gave *Rickfy* a Note for it, and has *Chapman's* Counterbond as to the 7*l.* that he might say Mr. *Taylor* had made such promise as before testified, and that he would be as good as his Word, but offered no Bond.

Mr. *Maudy* being produced, denied that he was at Mr. *Taylor's* House with *Goodchild*, but said that some Persons gave out that Mr. *Taylor* was for a general Excise, others that he was a Courtier; that he cleared himself of the Excise; as to the other, says Mr. *Taylor*, *Do you think I would leave an Employment I was in, for an Office at Court*, to which one (whose Name *Maudy* thinks was *Wright*) reply'd, *But what is that to us?* Yes, says Mr. *Taylor*, *it shall be to you, for I will give all to you.*

That *Ramsgate*, a Member of *Sandwich*, had been made a flourishing Town by Mr. *Taylor's* means, and they were in hopes if *Sandwich* chose him a Parliament Man, he would Transfer his kindness to them, and engage some Families to come and live there, *Sandwich* wanting Inhabitants.

Mr. *Paramour* said he had acted for Mr. *Taylor*, that Collonel *Pargrave* and he went to wait upon Mr. *Taylor*, being come to live in those Parts, and that Mr. *Taylor* said, he would willingly be acquainted with the Mayor and Jurats of *Sandwich*, and that he would spend 5 or 10*l.* upon them, that it was answered it would cost him more, there being a discourse that the Freemen would invite him to stand for Parliament Man; that after Mr. *Taylor* had paid some Bills, he said he did not think it would stand with his Reputation to spend Money to be a Parliament Man, and that as to 2 or 300*l.* which some expected, should be paid by Mr. *Taylor*, they would find that he gave no order for it.

Thomas Barber, jun. said, that Sir *Cloudsley Shove's* Letter was read to Clerk and some others to undeceive them, it being reported that it contained other matters than it did, and that he knew of no body pressed.

Thomas Barber, sen. the Mayor said, that after the Precept came down he acquainted his Brethren, and sent a Crier to Summon the Freemen, and that a little before the close of the Poll, the Serjeant declared he had lost it past recovery; that *Richard Hawker*, the Town Clerk, said, that Serjeant *Thurbarne* objected to the 5 last Votes, and said that the Hospital Men might be as well polled as those.

And that upon the whole matter the Committee came to these Resolutions, viz.

(1.) "That *Edward Brent*, Esq; is duly elected one of the Barons of the Cinque Ports to serve in this present Parliament for the said Port of *Sandwich*."

(2.) "That *John Taylor*, Esq; is duly elected one of the Barons of the Cinque Ports, to serve in this present Parliament for the said Port of *Sandwich*."

The said Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

Die Veneris 1 Aprilis, 1697. Ordered, That Mr. Speaker do issue his Warrant for making out a new Writ for electing a Combaron to serve in this present Parliament for the said Port of *Sandwich*, in the room of *Edward Brent*, Esq; deceased.

Die Veneris 14 Februarii, 1700. A Petition of *Edward Bainton*, Esq; was presented to the House and read, complaining of an undue Election and Return for the said Port of *Sandwich*. 1700.

And the House taking notice upon the said Petition, relating to the said Election, That Sir *Henry Furnese*, a Member of this House, is concerned in managing several Aids and Duties granted to his Majesty; thereupon a Clause in the Act made in the 5th and 6th Years of *William* and *Mary*, for granting to their Majesties certain Duties upon Salt, and upon Beer, Ale, &c. for securing certain Recompences and Advantages in the said Act mentioned, to such Persons as shall voluntarily advance the Sum of 1000000*l.* towards carrying the War against *France*, was read, whereby no Member is to be concern'd in Farming, Collecting, or managing any Monies, Duties or Aids granted to their Majesties, except as therein is mentioned.

Resolved, That this House will upon Monday morning next take into consideration what Members are concern'd in the said Clause.

Die Mercurii 19 Februarii, 1700. Mr. *Lownds* having presented to the House the Seventh contract for circulating Exchequer Bills, and the Title thereof read. The House proceeded to consider what Members are concern'd in the said Clause of the Act 5 and 6 *W. & M.* disabling Persons to be Members of Parliament, and the Clause was read.

And Sir *Henry Furnese* being charged to be one of the Trustees for circulating Exchequer Bills, and to have acted under that Trust since he was a Member; and he being

ing heard in his place thereto, acknowledged, That he was one of the Trustees, and had acted accordingly; but conceiv'd himself not to be within the said Clause, as being concern'd only for the Subscribers Money; and then withdrew.

Resolved, " That Sir Henry Furness, Knt. having since his being elected a Member " of this present Parliament, been concern'd, and acted as a Trustee for circulating " Exchequer-Bills, is guilty of a breach of the Act made, 5 & 6 W. & M. entitled, " *ut supra*.

Resolved, " That the said Sir H. Furness be, for the breach of the said Act, ex- " pell'd this House. *Vide Sabbati, 22 Februarii, 1700.* Sir Gilbert Heathcot ex- " pell'd. London.

Civitas de Nova-Sarum, in Com' WILTS.

11 H. 3.

In the 11th Year of H. 3. the City and Church of New-Sarum was founded, and by the King's Letters-Patents, was given to the then Bishop and Canons, and his and their Successors, with Power to levy a Tax or Aid of the Citizens.

33 E. 1.

*Vide Ryley's
Plac. Parl.
fol. 271, &c.*

In the 33 of E. 1. the Bishops demanding the said Aid, the Citizens refuse payment, and on application of the Bishop, the King issues his Precept to the Sheriff of Wilts, to summon the Mayor and Community to appear at Westminster, to shew cause, &c. They appear, and plead, That the Predecessor of the then Bishop, with concurrence of the Dean and Chapter, had made them free, &c. and have never since been taxed, and demand Judgment if they ought now.

The Bishop replies, They ought to be taxed by virtue of the Charter of H. 3. whereof they at their own charge had procured a Confirmation from King Edw. and adjudged by the King and Council in Parliament, That seeing they claim a Benefit, i.e. certain Privileges by the said Charter, therefore they should bear the Burthen, and pay the Tax. And the King commanded they should be taxed to that time, for the Profit they had received by their Liberties given them by the said Charter. But that thenceforth they might chuse whether they would use their Liberties, and be talliated or tax'd according to their Charter, or renounce their Charter, and so be freed from the Tax: Hereupon they chose to renounce their Charter, and a few Days after surrendered the same accordingly.

*Rot. Cart.
34 E. 1. N. 27.*

*But when by reason of this Renunciation and Surrender, they could not use their Liberties, or any of them, they, by their Bishop, (within less than a Year) petition'd the King to have their Liberties re-granted, and do submit to pay the Tallage. And thereupon was the Charter of 34 E. 1. granted to them, which after it has recited King H. 3. Charter, and the Judgment *ut supra*, it goes on thus, viz.*

Et idem Episcopus, & prædicti Cives jam nobis attente supplicaverunt, ut de Gratia nostra concedere velimus Libertatibus superius expressis, (meaning in H. 3. Charter) & dictos Cives contingentibus, & per ipsos ut prædictum est renuntiatis de cætero uti possint & gaudere. Nos licet dicti Cives Libertatibus prædictis renuntiaverint sicut prædictum est, considerantes tamen pium Propositum quod dictus Pater noster habuit ad Ecclesiam prædictam, &c. Nec non & per Finem, quem prædicti Cives fecerunt nobiscum, coram Consilio nostro volumus & concedimus, pro nobis & hæredibus nostris, quod dicta Civitate de Nova Sarum, sit libera Civitas ipsius Episcopi & Successorum suorum, ac Ecclesiæ suæ prædictæ in perpetuum. Et quod Cives ejusdem Civitatis ibidem manentes sint Cives ipsius Episcopi & Successorum suorum, & quod per totam terram nostram de Theolonio, Pontagio, Passagio, Paigio, Lestagio, Stallagio, Carriagio, & omni alia Consuetudine de omnibus Rebus suis sint quieti. Et quod habeant in perpetuum omnes alias Libertates & Quietancias per totam terram nostram quas habent Cives nostri de Wynton, & quod omnibus & singulis libertatibus supra scriptis, quatenus eos contingunt de cætero utantur & gaudeant, adeo plene & integre sicut in dicta Carta prædicti Patris nostri, necnon & in Carta nostra de confirmatione prædicta, plenius continentur. Quodque idem Episcopus, & Successores sui Tallagium vel rationabile auxilium capiant de prædictis Civibus suis Hæredibus vel Successoribus suis ratione Libertatum ipsis Civibus per nos sic concessarum quando nos vel Hæredes nostri Tallagium in nostris Dominicis de cætero faciemus; Quare volumus, &c. Dat. apud Westmonastr. 21 Die Maii, Anno Regni nostri 34.

D I E

DIE Luna, 24 Martii, 1689. A Petition of William Windham, Esq; setting forth, That at the Election of Citizens for New-Sarum, on the 27th of February last, when the Petitioner, with Thomas Hobby, and Thomas Pitt, Esqs. stood Candidates, and the Petitioner had a majority of those who had a Right to vote in the Election, and ought to have been returned a Citizen for the said City, accordingly with the said Thomas Hobby, to serve in this Parliament, for New-Sarum, aforesaid, yet the Mayor thereof, in wrong to the Petitioner, and contrary to Justice and Right, had return'd the said Thomas Pitt, Esq; with the said Thomas Hobby, whereas the Petitioner had the greater Number of qualified Voices; was read and referred. And see, 1689.

Die Luna, 6 Octobris, 1690. In the next Session, Mr. Windham again petitions the House, That on the 27th of February last, he was duly elected one of the Citizens for New Sarum, by the majority of legal Voices, but that the Mayor hath returned Thomas Pitt, Esq; in prejudice to the Petitioner, &c. read and referr'd. 1690.

Die Sabbati, 22 Novembris, 1690. Mr. Gray reported from the Committee of Privileges and Elections, to whom it is referred to consider of the said Election, upon the Petition of William Windham, Esq; against the Return of Thomas Pitt, Esq; viz.

That the Numbers upon the Poll stood thus,

For { Mr. Pitt ——— 25.
Mr. Windham — 23.

That 5 of Mr. Pitt's Voters were excepted to, as being sworn after publishing the Precept for the Election, which was upon the 27th of February, but it appeared to the Committee, that they had been elected in September before, and that many others had stood out as long after the Election before they came to be sworn, and that when they were sworn, no objection was made to them. And that the Committee came to the following Resolution, viz.

Resolved, "That it is the Opinion of this Committee, that Thomas Pitt, Esq; is duly elected a Citizen to serve in this present Parliament, for the City of New-Sarum."

To which Resolution the House agreed.

Die Luna, 2 Januarii, 1698. Charles Fox, Esq; being chosen a Citizen to serve in this present Parliament, for New Sarum, and also a Burgess for the Burrough of Cricklade, in the County of Wilts, makes his Election to serve for New-Sarum. And, ordered a new Writ for electing another Burgess to serve for the Burrough of Cricklade in his room. 1698.

Burgus de Scarborough, in Com' YORK.

DIE Martii, 12 Aprilis, 1692. The House being met after a Prorogation, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough, in the room of ——— Thompson, Esq; decess'd. 1692.

Die Martii, 7 Die Novembris, 1693, being the 5th Session of the 6 Years Parliament, Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough of Scarborough, in the room of Francis Thompson, Esq; deceased.

Villa de Seaford, in Com' SUSSEX.

DIE Mercurii, 19 Martii, 1678, A Petition of Edward Selwin, Esq; complaining of an undue Return of Herbert Stapley, Esq; to serve as a Burgess for the Burrough of Seaford, in injury of the Petitioner, who was duly elected, and ought to have been returned; was read and referred. Sed nil ultra this Parliament. 1678.

Die Veneris, 23 Decembris, 1698. Mr. Speaker acquainted the House that he had received a Letter from Sir William Thomas, who is very ill of the Gout, That he be- 1698.

1693. ing elected a Knight for the County of *Sussex*, and also a County Baron for the Port of *Seaford*, makes his Election to serve for the County of *Sussex*.

Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another County Baron, to serve in this present Parliament for the Port of *Seaford*, in the room of Sir *William Thomas*.

Burgus de Shaftsbury, in Com' Dorset.

1678.

DIE *Mercurii*, 19 *Martii*, 1678. A Petition of Sir *Matthew Andrews*, complaining of an undue Return of — *Whitacre*, Esq; to serve in this Parliament, for the Burrough of *Shafton*, alias *Shaftsbury*, in the County of *Dorset*, in injury of the Petitioner, who was duly elected, and ought to have been returned; was read and referred. *Sed nil ultra*.

1695.

Die Martii, 26 *Novembris*, 1695. A Petition of several Inhabitants of the said Burrough of *Shaftsbury*, setting forth, That at the Election of Burgesses to serve in this present Parliament, for the said Burrough, Sir *Matthew Andrews*, Sir *John Moreton*, Knts. *Edward Nicholas*, and *Henry Cornish*, Esqs. stood as Candidates, and Sir *Matthew Andrews*, and Mr. *Cornish* had the majority of legal Votes, but the Mayor shewing himself partial, admitted several Persons to be polled for Mr. *Nicholas*, that had no Right to vote, and refused divers to poll for Mr. *Cornish*, who had a Right, according to the Custom of the said Burrough, but by reason of such partial Proceedings, the majority upon the Poll fell out to be for Mr. *Nicholas*, whom the Mayor hath returned with Sir *Mathew Andrews*, tho', of Right, Mr. *Cornish* ought to have been return'd with Sir *Matthew Andrews*; and praying that the House will take the Premises into Consideration; was read and referred.

Die Mercurii, 4 *Novembris*, 1695. A Petition of *Henry Cornish*, Esq; setting forth, That at the Election of Burgesses to serve in this present Parliament, for the said Burrough, Sir *Matthew Andrews*, Sir *John Moreton*, *Edward Nicholas*, Esq; and the Petitioner, stood as Candidates where Sir *Matthew Andrews*, and the Petitioner were duly elected by the majority of those that had a Right to vote, but the Mayor of the said Burrough shewed himself partial for Mr. *Nicholas*, and refused to poll many of the Petitioners Votes, who had a Right, and admitted many to poll for Mr. *Nicholas*, who had no Right to poll, and hath returned the said Mr. *Nicholas*, with Sir *Matthew Andrews*, to the Petitioner's wrong; and praying that the House will give him such Relief in the Premises, as they shall think meet; was read and referred.

Die Veneris, 6 *Decembris*, 1695. A Petition of Sir *John Moreton*, Bar. setting forth, That at the Election of Burgesses to serve in this present Parliament, for the said Burrough, the Petitioner, and *Edward Nicholas*, Esq; were duly chosen by the majority of legal Electors, but the Mayor of the said Burrough shewing himself partial at the Election, on the behalf of Sir *Matthew Andrews*, admitted several Persons to poll for him, that had no Right, and refused the poll to divers for the Petitioner, that had a Right to poll, by reason of which partial and indirect Poll, the majority of Voices fell out to be for the said Sir *Matthew Andrews*, and the said Mayor hath returned him as one of the Burgesses to serve for the said Burrough, with the said Mr. *Nicholas*, when he ought to have returned the Petitioner, and Mr. *Nicholas*; and praying that the House will take the matter into Consideration, and do therein as they shall think fit; was read and referred.

Die Jovis, 27 *Februarii*, 1695. *Ordered*, That the Report from the said Committee touching the Election for the said Burrough of *Shaftsbury*, be made to morrow Morning. But,

Report.

Die Veneris, 28 *Februarii*, 1695. The said Report was again deferred, and ordered to be made on the morrow Morning.

Die Sabbati, 29 *Februarii*, 1695. Colonel *Granville* reported from the said Committee, the matter of the said Election, as it appeared to the said Committee, viz.

Upon the Petition of several of the Inhabitants of *Shaftsbury*, which alledged Sir *Matthew Andrews*, and *Henry Cornish*, Esq; to be elected.

Upon the Petition of *Henry Cornish*, Esq; which also alledged himself, and Sir *Matthew Andrews* to be elected.

Upon the Petition of Sir *John Moreton*, which also alledged himself, and *Edward Nicholas*, Esq; to be elected.

That

That the Petition of Sir *John Moreton*, in a more special manner, controverting the Right of Election, the Committee thought fit to proceed upon that matter first.

That it was insisted for Sir *John Moreton*, That the Right of Election was in the Mayor and Burgesses, the Burgesses being 12 in number; but however, if the Opinion of the Committee should be that the Right was in the Inhabitants, paying Scot and Lot, it was further insisted for Sir *John Moreton*, that he had the majority of them all.

That if the Right was in the Mayor and Burgesses, it was agreed, that Sir *John Moreton* was elected.

That to prove the Right in the Mayor and Burgesses, was produced these Returns.

21 *Jac.* 11. Burgesses, therein named, elected.

1 *Car.* Mayor, and 12 Burgesses, named, elected.

16 *Car.* Mayor, and the Burgesses elected.

1658, Mayor, and the Burgesses elected.

13 *Car.* 2. Mayor, and 12 Burgesses, named, elected.

19 *Car.* 2. Mayor, and 11 Burgesses, named, elected.

29 *Car.* 2. Mayor, and 8 Burgesses, named, elected.

31 *Car.* 2. Mayor, and 9 Burgesses, named, elected.

1 *Jac.* 2. Mayor, and 11 Burgesses, named, elected.

All these Returns, were under the Common-Seal.

That for Sir *Matthew Andrews*, one of the fitting Members for the said Burrough, it was insisted that the Right was not in the select Number, but in the Inhabitants at large; and to prove the Right to be as alledged.

The Council for Sir *Matthew Andrews* argued, that *Shaftsbury* was a Burrough by Prescription, and had sent Burgesses to the Parliament before their Charter, and for that purpose they produced Returns to Parliament, of 6 *Ric.* 2. and 26 *E.* 1. and 8 *H.* 25.

And further, to prove the Right to be in the Inhabitants at large, and by way of answer to the Returns produced for Sir *John Moreton*, there was produced the Returns following, viz.

17 *E.* 4. *Major & 6 Burgenses, nominati unanimi assensu voluntate & consensu alior Burgenses ac totius Comitatus elegerunt.*

1 *Mar.* *Major, Burgenses, & Communitas unanimi assensu & consensu elegerunt.*

23 *P. M.* *Major, Comburgenses, & Communitas elegerunt.*

1 *Eliz.* *Major, Comburgenses, & Communitas elegerunt.*

14 *Eliz.* Mayor, and Burgesses, by their Common-Council, elected.

26 *Eliz.* Mayor, and 4 Burgesses, with the common Consent of all their Burrough, elected.

28 *Eliz.* Mayor, and 4 Burgesses, with the common Consent of all their Burrough, elected.

43 *Eliz.* Mayor, and 4 of his Brethren, with the Assent and Consent of the whole Burrough.

1 *Jac.* 1. Mayor, and 7 Burgesses, and Inhabitants, with the Assent and Consent of, and from the whole Burrough, elected.

31 *Car.* 2. Mayor, Burgesses, and Commonalty, elected.

33 *Car.* 2. Mayor, 11 Burgesses, and Commonalty, elected.

1688, Mayor, capital Burgesses, together with the Commonalty, elected.

2 *W. & M.* Mayor, Burgesses, and Commonalty, elected.

7 *Willielmi*, Mayor, Burgesses, and Commonalty, elected.

That to prove the Right in the Inhabitants, were called.

John Legg, who said he had known Elections for above 40 Years, and that at all of them the Inhabitants voted, and none were refused; but he could give no account of any particular Election, or who he himself voted for.

Symond Buckland said, Sir *John Low*, and ——— *Whitacre* were chosen by the Commonalty, 30 Years ago; and that the Inhabitants, not receiving Alms, had voted at all Elections since that time.

Philip Andrews said, That Sir *Matthew Andrews*, Mr. *Grove*, Mr. *Chaffin*, and Mr. *Nicholas*, stood at the Convention, and a Poll was taken, and all the Inhabitants voted, except such as received Alms: That he remembers the Election in King *James's* time, and thinks the Inhabitants were denied to be polled, but they petitioned. That at this Election, Sir *John Moreton*, and the Mayor, went up and down the Town, and desired Peoples Votes: That no body objected to the Inhabitants being polled at this Election.

Mr. William Bruce said, That it was agreed at this Election, by the Mayor, and not denied by Sir John Moreton, nor Mr. Nicholas, that all should have Votes, except such as received Alms.

That by way of Reply was produced King James's Charter, which takes notice that *Shaftsbury* had been an ancient Corporation. And,

Mr. Atwell, the Town-Clerk said, That he took the Poll in 1685, and none polled but the Mayor and Burgeſſes. He further said, That the first Election was in 1678, or 1679, (and) that was a popular Election. He also produced a Paper purporting a Poll taken in the Year 1660, which he said he found lock'd up with other Papers and Records of the Burrough, but he not being able to give any account how it came there, or other proof of it, the Committee did not think fit to let it be read as Evidence.

That this Election the Mayor did poll the Inhabitants, but he heard no body oppose it.

Mr. John Bolles said, He was present at the Election of 1678, that the People by force made way for themselves to come up, and made a great noise, and the Recorder, for quietness sake, advised the Mayor to poll the Inhabitants, not *de jure*, but *de bene esse*, but none were polled; but who paid Scot and Lot. That in the Parliament in King James's time he stood himself, and none but the select Number polled; and said, that he had been inform'd by one Mr. Hayes, a Lawyer of *Shaftsbury*, of 80 Years of Age, that the Right was in the select Number: That in 1685 there was a Petition from the Inhabitants against that Election, but (as he believed) upon giving a fair Account of that matter in the House, and that no Poll was demanded, that Petition was rejected; That he was present at the last Election, and the Mayor, the Clamour being so great, he intended to poll as large as before.

That the Council being withdrawn, Mr. Towns, a Member, informed the Committee, That the Petition in 1685, upon Gentlemen in the House giving an Account of the Fairness of that Election, was rejected.

That the Committee came to this Resolution, *viz.*

Resolved, 1. " That it is the Opinion of this Committee, That the Right of electing Members to serve in Parliament, for the said Burrough of *Shaftsbury*, is not only in the Mayor and Burgeſſes of the said Burrough.

That the Council being again called in, Sir John Moreton's Council apply'd themselves to make it appear that the Right was in the Scot and Lot-Men, and that Sir John Moreton had the majority of them.

John Walker, and Samuel Belpin, said, That they knew several Elections, and that none were admitted to vote that did not pay Scot and Lot, or Watch and Ward; and Mr. Atwell the Town-Clerk was called in, who said, That he had examined the Poll, and that there was of Scot and Lot-Men,

For { Sir John Moreton, ——— 97.
 { Sir Matthew Andrews, ——— 95.

That on the other side, for Sir Matthew Andrews was delivered in a List of 102 Names, taken out of the Poll, of Men that paid Scot and Lot, and voted for Sir Matthew Andrews.

Upon which it rested upon Sir John Moreton's side to disqualifie so many as may give Sir John Moreton a majority.

And as to that, the Evidence was thus.

That John Bourn was upon the Rate, but not for Land in the said Burrough.

Nathanael Sweetman was admitted to be no good Voter.

That John Jaques did not live in the House for which he was rated, but the Overseer had received of him since *Michaelmas*.

That William Dyer had been assessed, but not paid.

That William Good did not live in the Town, but was rated.

That for Sir Matthew Andrews was called 2 Witnesses, *viz.*

Philip Andrews, and ——— Taylor, who said, That not only the Scot and Lot-Men, but the Inhabitants that did not receive Alms, had voted in the Free-Parliament that brought in King Charles, and had used to vote in other Elections.

That the Council being withdrawn, the Committee came to these further Resolutions, *viz.*

Resolved, 2. " That it is the Opinion of this Committee, That the Right of electing Members to serve in Parliament, for the said Burrough of *Shaftsbury*, is only in the Inhabitants of the said Burrough, paying Scot and Lot.

Resolved, 3. "That it is the Opinion of this Committee, That Sir Matthew Andrews is duly elected a Burgess to serve in this present Parliament, for the said Burrough of Shaftsbury.

That then the Council was called in again, upon the Petitions of the Inhabitants; and Mr. Cornish and the Council being acquainted with the Resolution of the Committee, insisted upon on behalf of the Petitioners, that Mr. Cornish had the majority of Scot and Lot Men.

That to prove such a majority, they gave in a List of the Scot and Lot Men for each Candidate, but it appeared that that List had not been taken out of the Mayor's Poll, nor examined by it, so the Committee were of Opinion, that it was no Evidence. and Mr. Cornish's Council not having further to offer on his behalf.

On behalf of Mr. Nicholas was produced a List of 110 Scot and Lot Men that voted for him, and only of 82 that voted for Mr. Cornish, which not being objected to by the Council for Mr. Cornish, the Committee came to this further Resolution.

4. "Resolved, That it is the opinion of this Committee, That Edward Nicholas, Esq; is duly elected a Burgess to serve in this present Parliament for the said Burrough of Shaftsbury.

And the said four Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

Die Lune 13 Februarii, 1698. *Resolved*, That Henry Cornish, Esq; being a Member of the House of Commons, and having since been concerned, and acted as a Commissioner in managing the Duties upon Vellum, Paper, and Parchment, contrary to an Act made in the 5th and 6th Year of his Majesty's Reign, for granting several Duties upon Salt, Beer, Ale, and other Liquors, be expelled this House. 1698.

Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Henry Cornish, Esq; expelled this House.

Burgus de New Shoreham in Com' SUSSEX.

DIE Mercurii 19 Martii, 1678. A Petition of the Inhabitants of Shoreham in the County of *Sussex*, complaining of several undue practices used by the Constable of the said Burrough in electing and returning of Robert Fagg, and John Cheale, Gentlemen, to serve as Burgesses for the said Burrough, in injury of the Petitioners, who did duly elect Sir Anthony Dean, and Sir Robert Fagg, who ought to have been solely returned, and praying relief in the Premises, was read and referred. 1678.

Die Mercurii 26 Februarii, 1700. A Petition of David Punnet and Henry Guilford on behalf of themselves and several others of the Inhabitants of the said Burrough, was presented to the House and read, complaining of an undue Election and Return for the said Burrough. 1700.

Ordered, That the matter of the said Petition be heard at the Bar of this House upon Saturday the 15th of March next.

Die Veneris 14 Martii, 1700. A Petition of Nathaniel Gould, Esq; a Member of this House, serving for the said Burrough of New Shoreham, was presented to the House and read, acknowledging, that through Inadvertency, and a mistaken Apprehension of Law, he had done that before the Teste of the Writ, which may justly render him liable to the Displeasure of this House; and that the thoughts thereof are so afflicting, that he rather chose to acknowledge his Error, than seem to justify the same by a Defence, and therefore (with the greatest Humility) submits himself to the Justice and Favour of the House, humbly professing, that the Expence which he so unfortunately made, was entirely on his own account.

Resolved, That the said Mr. Gould be discharged from being a Member of this House.

Whereas there is to be a hearing at the Bar of this House to morrow against the said Mr. Gould, upon the Petition of several of the Inhabitants of the said Burrough of New Shoreham.

Ordered, That the said Hearing be discharged.

I

Y y y

Ordered,

Ordered, That no Warrant do issue this Session for a new Writ, for the electing a Burges for the said Burrough, in the room of the said Mr. Gould.

Comitatus de Somerset.

Return.
Parl. 2 H. 5.

The Sheriff's Return to Parliament for the said County in the 2d of H. 5. is in this form, viz. Hæc Indentura facta apud Iwelcestre, Die Lunæ 12 die Novembris, Anno Regni Regis Henrici Quinti post Conquestum secundo, inter Walterum Hungerford, Militem Vicecom' Somerset, in pleno Comitatu eodem Die ibidem tento ex parte una, & Radulphum Hunt, Majorem Civitatis Bathon, Johannem Skittish, Johannem Savage, & Johannem Haygoby, Cives Civitatis prædictæ, qui de assensu totius Communitatis Civitatis prædictæ eligerunt Ricardum Wydecombe, & Willielmum Radeftoke, Duos Cives pro Communitate Civitatis prædictæ, Essend. apud Westminster, ad Parliamentum Domini Regis tenendum, Die Lunæ proximo post Octavas Sancti Martini proximo futuras, secundum formam Brevis Domini Regis quod est huic annex' eidem vicecomiti inde Direct' & Johannem Herewode, Johannem Russel, Walterum Dyere, & Lucam Wilton Burgenes, Burgi de Wells, qui in forma prædicta eligerunt, Thomam Dynt, & Johannem Hindon, duos Burgenes Burgi prædicti Essend. tunc ibidem pro Communitate Burgi prædicti secundum formam prædicti Brevis. & Johannem Ward, Willielmum Goffe, Ricardum Ward, & Thomam Cave, Burgenes Burgi de Bruggewater, qui in forma prædicta eligerunt Willielmum Gascoigne, & Johannem Redwelly, duos Burgenes Burgi prædicti, secundum formam dicti Brevis, & Thomam Wiger, Walterum Portman, Edmundum Tailleur, & Johannem Northmore, Burgenes Burgi de Taunton, qui in forma prædicta eligerunt Johannem Merchant, & Edmundum Dyere, duos Burgenes Burgi prædicti Essend. tunc ibidem pro Communitate Burgi prædicti secundum formam prædicti Brevis, Dantes & Concedentes Civibus & Burgenfibus prædictis plenam & sufficientem potestatem pro se & Communitate Civitatis & Burgorum prædictorum ad faciendum & consentiendum iis quæ tunc ibidem de Communi Consilio ordinari contigerit super Negotiis inibi Tractandis in cujus Rei Testimonium, &c.

Here were returned to this Parliament Citizens only for the City of Bath, and 3 Burghs, viz. Wells, Bridgewater, and Taunton, in the County of Somerset, three of the present Burghs being omitted, viz. Minehead, Milborn-Port, and Ilchester, notwithstanding the County Court was holden there, in which the Election was made.

The words of the Indenture or Return for Dorsetshire for this Parliament, are the same with the words of this (mutatis mutandis) there being then the same Sheriff for both Counties, Pool and Corf-Castle, two only of the present Burghs were omitted.

1690. **D**IE Sabbati 5 Aprilis, 1690. A Petition of John Speke, Esq; setting forth, That he was duly elected by the Majority of Freeholders to serve in this present Parliament, but the Sheriff Adjourned the County Court, without consent of the Suitors then present, and thereby hindred several of the Freeholders from giving their Voices for the Petitioner, and by colour thereof, unduly returned Sir Edward Philipps and Nathaniel Palmer, Esqs; and praying the consideration of the House in the Premises, was read and referred to the Committee of Privileges and Elections. But nothing further done therein. For,

Die Mercurii 14 Maii, 1690. Mr. Palmer, who was returned as one of the Knights of the Shire for the County of Somerset, and also one of the Burgeses for the Burrough of Minehead, made his Election to serve for the County of Somerset; and a new Writ ordered for electing another Burges to serve for the Burrough of Minehead, in the room of the said Mr. Palmer.

Comitatus de Southampton.

DIE Jovis 22 Octobris, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing a Knight of the Shire to serve in this present Parliament for the County of *Southampton*, in the room of *Richard Norton*, Esq; deceased. 1691.

Die Sabbati 17 Decembris, 1692. Being the 4th Session of this Parliament, Ordered, That Mr. Speaker do issue his Warrant (*ut supra*) for a Knight of the Shire to serve for the said County, in the room of *Sir Robert Henley*, Knt. deceased. 1692.

Villa de Southampton, & Comitatus ejusdem Villa.

In Great Domesday Book, under the Title Hantescire, is this Entry, viz. In Burgo de *Hantune* habet Rex in Dominio 94 homines, 4 minus qui reddunt 7 libras de Gablo Terræ & totidem reddiderunt Tempore Edwardi Regis. Note, by homines here are intended such as in other places in that Book are called Burghesses. Great Domesd. fo. 52. a.

DIE Mercurii 19 Martii, 1678. A Petition of *Sir Charles Windham*, Knt. complaining of an undue Return of *Thomas Knowles*, Esq; to serve as a Burghess for the Town and County of *Southampton*, in injury of the Petitioner who was duly elected, and ought to have been returned, was read and referred. 1678.

Die Sabbati 30 Novembris, 1689. A Petition of *Sir Charles Windham*, Knt. That he was duly elected in the place of *Richard Brett*, Esq; deceased, as a Burghess for the Town and County of *Southampton*, by the majority of Electors there, yet by indirect Practices, *Mr. Edward Fleming* is returned by the Mayor and Sheriff in prejudice to the Petitioner, and apparent wrong of the Electors, and praying a short day may be appointed for hearing the Petitioner's complaint; referred to the Committee of Privileges, &c. 1689.

Die Luna 30 Decembris, The Case of the said Election ordered to be reported the 31st. And accordingly,

Die Martis 31 Decembris, *Mr. Gray* reported the same, viz. That the Petitioner claimed to be elected by the Burghesses of the said Town paying Scot and Lot; and the sitting Member claimed to be chosen by the Mayor, Bailiff, and select number of Burghesses of the Corporation, and 'twas agreed, that if the Right was in the Burghesses and Inhabitants at large, the Petitioner was duly elected; but if in the select number, then the sitting Member was duly elected.

For the Petitioner were produced several Indentures of Return, viz.

28 H. 6. 13 Burghesses elegerunt, Indentura sub sigillis suis.

17 E. 4. 12 Burghesses elegerunt, Indentura sub sigillis suis.

33 H. 8. About 36 Burghesses and Free Tenants elected, the Indenture under their Seals.

1 Mar. Assensu Burghensium & Inhabitantium Villa Southampton electi sunt, Indentura sub sigillis Burghensium & Inhabitantium villa prædictæ.

43 Eliz. Burghenses villa prædictæ qui in pleno Comitatu interfuerunt elegerunt Indentura sub sigillis suis.

21 Jac. 1. In pleno Com' per assensum Burghensium & Inhabitantium ejusdem villa electi fuerunt Indentura sub sigillis suis.

1 Car. 1. Burghenses & Inhabitantes villa & Comitatus prædicti Elegi fecerunt Indentura sub sigillis suis separatim.

31 Car. 2. 31 & al. Burghenses & Inhabitantes villa prædictæ elegerunt Indentura sub sigillis suis separatim.

And 2 Witnesses said, That they had known several Elections for the said Town, and the Scot and Lot Men used to elect, and to that end they used to have the Poors Books at the Poll, and the Scot and Lot Men were never denied their Voices, and particularly were allowed to Poll for *Mr. Brett* and *Sir Benjamin Newland* at this last

Convention, and that they sate as duly elected by them, and Collonel Fleming then polled the Scot and Lot Men himself.

William Lyne said, he had born all Offices in the said Town, and that Scot and Lot Men always chose; and that at this time they combined together, and made an agreement to save the Mayor harmless if Sir Charles Windham should bring an Action.

Mr. Birkenhead said, he had known the Town about 14 Years, and that he is now a Burgeſſs thereof, but had polled for Members to Parliament before he was a Burgeſſs, as a Scot and Lot Man, and ſigned the Return as ſuch.

For the fitting Member it was inſiſted, That the Right of Election was in the Corporation, and that they were a Corporation time out of Mind, and that none but Members of the Corporation had made any Returns from 6 Ed. 6. till February, 1679. and produced their Charter, in which there was an *Inſpeximus* of H. 2. Charter, *Quod homines ſui de Hampton habeant & teneant Gildam ſuam & omnes Libertates & Conſuetudines ſuas*; as alſo ſeveral Indentures of Return, viz. 1 Ed. 6. 1 Mar. 1 Eliz. 16 Car. 1. 15 Car. 1. 31 Car. 2. 30 Car. 2. 22 Car. 2. & 13 Car. 2.

And John Clements, and William Pocock ſaid, that as to all the Names mentioned in thoſe returns, they had ſearched the Corporation Books, and found the ſaid Names entred therein, as of the Guild and Burgeſſes of the Town; but Pocock acknowledged he took the Poll for Major Bret at the Election for the Convention, and Mr. Bret was returned as choſen by Scot and Lot Men, and upon the whole, the Committee reſolved as their opinion,

1. "That the right of Election of Burgeſſes to ſerve in Parliament, is in the Burgeſſes and Inhabitants of the ſaid Town and County of the Town of Southampton.

2. "That Edward Fleming, Eſq; is not duly elected a Burgeſſs to ſerve in Parliament for the Burrough of Southampton.

3. "That Sir Charles Windham is duly elected a Burgeſſs to ſerve in Parliament for the ſaid Burrough.

To all which Reſolutions the Houſe, on the Queſtion ſeverally put thereupon, agreed, and ordered the Clerk of the Crown to attend in order to amend the Return.

Die Jovis 2 Januarii, 1689. The Clerk of the Crown attending with the Return from Southampton, was called in, and amended the ſaid Return according to the ſaid Reſolutions, by ſtriking out the Name of Edward Fleming, Eſq; and putting in inſtead thereof the Name of Sir Charles Windham, and Sir Charles Windham was brought into the Houſe, and took his place accordingly.

1689. *Die Lune 24 Martii, 1689.* A Petition of Arthur Shallet, Eſq; ſetting forth, That the Petitioner, with Sir Charles Windham, were duly elected for the ſaid Town and County of Southampton; notwithstanding which, one Robert Culliford the Sheriff, hath return'd Sir Benjamin Newland one of the Burgeſſes, in prejudice to the Petitioner, and praying the conſideration of the Houſe, and relief in the Premiſſes, was read and referred. And in the next Seſſion it was revived, viz.

1690. *Die Veneris 17 Octobris, 1690.* A Petition of Arthur Shallet, Merchant, ſetting forth, That he was duly elected for the Town and County of the Town of Southampton, but that Sir Benjamin Newland is returned in injury to the Petitioner; read and referred.

1695. *Die Veneris 29 Novembris, 1695.* A Petition of John Smith, Eſq; ſetting forth, That the Petitioner was duly elected a Member to ſerve in this preſent Parliament for the Burrough of Southampton, but by the undue practices of Sir Benjamin Newland and his Friends, they have obtain'd an undue return for him, which the Petitioner is ready to prove; and praying, that the Houſe will examine and conſider the Premiſſes, and do him juſtice therein, was read and referred to the Committee. And

Die Sabbati 14 Martii, 1695. Ordered, That the Report touching the ſaid Election, be made upon Tuesday morning next. And accordingly,

Report. *Die Martis 17 Martii, 1695.* Mr. Gwyn Reported from the ſaid Committee, the matter of the ſaid Election, as it appeared to them, viz.

Upon the Petition of John Smith, Eſq; complaining of an undue Election of Sir Benjamin Newland, to ſerve for the ſaid County of Southampton, the Committee have examined the Merits of that Election.

That the firſt Queſtion between the Petitioner and Sir Benjamin Newland, was upon the right of Election.

That the Petitioner inſiſted, that the right of Election was in the Mayor, Bailiffs, Burgeſſes, Inhabitants, and other Inhabitants of the ſaid Burrough, and that the out-living Burgeſſes have no right to Vote. That

That, on the other side, it was insisted, That the out-living Burgeſſes had a Right to vote as well as the Burgeſſes Inhabitants.

That it appeared to the Committee, that the Poll began on *Friday* Morning, and was continued by ſeveral Adjournments, to *Munday* Morning. That upon *Friday* Night, when the Poll was adjourned, there was, For the Petitioner, 171. For Sir *Benjamin Newland*, 170.

But that of the 171 that were for the Petitioner, there was one *Comyns* put down with a *Quere*, who, on *Munday*, upon further Examination, was not allowed to be a good Vote.

It appeared alſo that the Mayor and two Bailiffs voted on *Friday*, and were for Sir *Benjamin Newland*.

That the Petitioner inſiſted, That the Poll was cloſed, or ought to have been cloſed, on *Friday*; and for that the Petitioner's Council called,

Mr. *Iſaac Watts*, who ſaid, He was one of the Five employed to take the Poll by Sir *Benjamin Newland*, and Mr. *Smith*, and the reſt of the Candidates, and allowed by the Mayor; and that the Poll uſed to be made an end on in one Day: That before he put down any, they were allowed by the Mayor, but *Comyns* was put down with a *Quere*.

That on *Friday* the Poll was adjourned between 2 and 3 a clock: But that before the Poll was adjourned, the Mayor asked if there were any more to poll, but none offered themſelves, except ſuch as had been before diſallowed by the Mayor.

That a little before the Adjournment he acquainted the Mayor, by a Paper, that Sir *Benjamin Newland* had loſt it by one: That the Mayor ſaid he found Cauſe of Adjournment: That Sir *Benjamin Newland*, and Mr. *Smith*, both oppoſed the Adjournment. But the Mayor ſaid, in regard of the Noiſe, he would adjourn to ſome more private Place, and then adjourned to *Saturday* 10 a clock, and then adjourned to *Munday*.

That *Toffet* and *Hinſon* were reſuſed on *Friday*, and polled on *Munday*. That at former Elections, out-living Burgeſſes have been polled, but put down with a Mark, to be tryed upon any Queſtion in Parliament.

That on the other ſide, to prove the Fairneſs of the Election, and that the out Burgeſſes had a Right to vote.

For Sir *Benjamin Newland* were called Mr. *Macham*, the Mayor, Dt. *Speed*, Mr. *Culliford*, and Mr. *Croſs*, who ſaid, That the out Burgeſſes had always voted at Elections, and never knew any excepted to, but Col. *Norton*, who was excepted to by Sir *Robert Henly*; whereupon Col. *Norton* ſaid, he did come to vote for Sir *Robert Henly*, but becauſe Sir *Robert Henly* did except to him, he would vote againſt him, and juſtifie it; which accordingly he did, and that the out Burgeſſes choſe the Mayor, and other Officers, and have been choſe themſelves, and particularly Mr. *Bromfield* was choſen Mayor.

That as to the preſent Elections, the Candidates agreed to go by the Pooſs-Books, and accordingly the Mayor did ſo. That the Poll began on *Friday*, between 7 and 8, and held till between 3 and 4, during which time the Mayor was not off the Bench. That before any Note given by *Watts*, he ſpoke of the Adjournment; and asked *Watts* how he durſt give him any ſuch Note before the Poll was cloſed: And that one of the Clerks did ſay, Sir *Benjamin Newland* had carry'd it by two.

That the Reaſon the Mayor did give for the firſt Adjournment, was becauſe of the Tumult, by which ſeveral, and particularly *Webb*, was hindred from being polled, and ſeveral were abuſed, particularly *Bucker*, who polled for the Petitioner; and Sir *Benjamin*, and ſome were put down with a *Quere*.

That the Reaſon of the Adjournment on *Saturday* was, becauſe it was Market-Day, and the great Tumult of the People then. That on *Munday* the out Burgeſſes polled on both ſides; and *Comyns* being ſtruck out by conſent, the Poll was caſt-up, and the Numbers were—For Sir *Benjamin Newland*, 182. For Mr. *Smith*, 174.

That the Petitioner alſo endeavoured to juſtifie Eleven that were reſuſed to be polled, and for that purpoſe called,

Mr. *William Lyle*, who ſaid that *Nathaniel Robinſon* was a Houſe-keeper, and a Freeholder, but could not ſay that he paid to Church and Poor.

That *Auſtin Talbot* had paid to the Poor 4 Years, and the Reaſon he was not on the Pooſs-Book at the time of the Election, as the Overſeer told him, was becauſe they kept that Money to pay for the Books.

That *Thomas Burgeſs's* Houſe was in the peramble of the Town, and had voted for 17 Years, and paid to the Poor of the Town; but it was proved on the other ſide, that he lived in *Millbrook* Pariſh, and had been Conſtable there.

Burgus de Southwark.

That *William Guybons* proclaimed his Vote in the Street, near the place of the Poll, on *Saturday*, but could not say it was before the Poll was adjourned.

That *Robert Comyns* took a House at *Midsummer* last, and has paid *Michaelmas* Dues to the Poor; but it was proved, on the other side, that his Name was put into the Poors-Book, by another Hand, after the Rate was made.

That *Richard Tyler* was an Inhabitant, and had paid to the Poor formerly.

That *Thomas Ofely* is an Inhabitant, but fallen to decay.

That *James Edmonds*, and *Edward Doby*, pay to Church and King's-Tax.

That *William Pidgeon* is an Inhabitant, and has voted formerly.

That the Petitioner also objected to several that voted for *Sir Benjamin Newland*. And,

William Lyle said, That *Anthony Poole* only rented a Chamber, and his Family was removed; but it appeared that he was a Minister of one of the Parishes of *Southampton*, and had a particular Apartment of the House, where he maintained his Family, and they were only removed by reason of the Small pox, and returned before the Election.

That *Thomas Butler* did not pay to Church and Poor; but it was proved on the other side, that he was Minister of another Parish in *Southampton*, and excused by the Parishioners, out of respect to him.

That *Daniel Gasse*, *Charles Smith*, and *Edward Downer* did not pay to Church and Poor; but it was proved on the other side, that all three were Burgesses.

That it was agreed that there were eleven out-living Burgesses, who had polled for *Sir Benjamin Newland*.

That the Petitioner also insisted upon several ill Practices used against him at the Election. And,

Mr. William Earle said that *Mr. Hammond* had promised to be for *Mr. Smith*, but *Mr. Winter*, and *Mr. Cornells* went to *Hammond's* Wife and threatned, if her Husband was for *Mr. Smith*, to turn him out of his place.

Robert Adderly said that *Mr. Daniel Beal*, and *Jacob Ward*, brought him a Letter, as they said, from *Mr. Brandon*, an Agent at *Portsmouth*, which he refused, and did not read; but they told him that it contained, that if he would be for *Sir Benjamin Newland*, the Agent would take off all his Bisket, (he being a Baker) and gratifie him with a Bill of 100*l.* which the said Agent would take out in Bread.

Lyle said that *Mr. Seale* first promised to be for *Mr. Smith*, but afterwards said he could not do it, because he had been promised to have a Servant got off that was pressed, which he valued at 10*l.*

That upon the whole matter, the Committee came to these Resolutions, viz.

1. "That the out-living Burgesses, as well as the Burgess Inhabitants, and other Inhabitants, paying Scot and Lot, have a Right to vote for electing Members to serve in Parliament, for the said Town and County of the Town of *Southampton*."

2. "That *Sir Benjamin Newland* is duly elected a Burgess to serve in this present Parliament, for the said Town and County of the Town of *Southampton*."

The said Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

Die Sabbati, 16 Decembris, 1699. Ordered, That *Mr. Speaker* do issue his Warrant to make out a new Writ, for the electing another Burgess to serve in this present Parliament for the said Town of *Southampton*, in the room of *Sir Benjamin Newland*, Knt. deceased.

Burgus de Southwark, in Com' Surrey.

1678. *DIE Mercurii, 19 Martii, 1678.* A Petition of *Sir John Shorter*, and *Tbo. Smith*, Esq; complaining of an undue Return of *Sir Richard How*, and *Peter Rich*, Esq; to serve as Burgesses for the said Burrough, in injury of the Petitioner, who were duly elected, and ought to have been return'd; was read and referr'd. *Sed nil ultra.*

1690. *Die Jovis, 27 Martii, 1690.* A Petition of *Sir Peter Rich*, and *Thomas Cooke*, Esq; setting forth, That standing Candidate with *Anthony Bowyer*, and *John Arnold*, Esqs. the Petitioners agreed to several Articles, (not heretofore used) for taking the Poll, in

in hopes it might produce a peaceable effect, but that, contrary thereto, divers of the Petitioners Pollers were beaten and wounded, and several kept from the Poll-Table, by indirect Practices, that would have polled for the Petitioners, and upon the coming up of a Party of 300 eminent Traders that would have so voted, one of the Candidates (with one Bellamy) fell into great Shouts and Hollowings, assisted with the Constables therein, crying, *No Papist; no King James's Men; no Criminal; no Evidence*; continuing the Uproar to such a degree that the Bailiff was constrained to adjourn the Poll till the next Day, whereby most of the Persons were unpolled, and were fearful of coming again, by reason of the Rudeness they met with, by which means also, many Hundreds are yet unpolled for the Petitioners, and as many polled on the other side, who had no Right; and praying the Consideration of the House, and Relief in the Premises, read and *referr'd*. Also,

Die Sabbati, 11 Octobris, 1690. In the next Session, the same Petitioners renew their Petition, That they, with *Anthony Bowyer*, and *John Arnold* stood Candidates for Southwark, at the last Election, where the Petitioners consented to all the Methods they had proposed to them, upon confidence it would procure a peaceable Poll; but, on the contrary, so many ill Practices were made use of, by one of the other Candidates, and his Agents, against the Petitioners, and those that voted for them, that some Hundreds went away, and remained unpolled, in prejudice to the Petitioners, &c. read and *referr'd*. 1690.

Die Lunæ, 25 Novembris, 1695. A Petition of Sir *George Meggot*, Knt. setting forth, That the Petitioner, *Anthony Bowyer*, and *Charles Cox*, Esq; were Candidates at the Election of Members to serve in this present Parliament, for the said Burrough, which Election began the 23d of *October* last, and continued by several Adjournments, until the 18th Day of the same Month, during which time, the Petitioner and his Friends were riotously assaulted and wounded, to their great discouragement, by the Agents and Managers for Mr. *Bowyer* and Mr. *Cox*: That *William Eyre*, Esq; Bailiff of the said Burrough, committed many unjust Practices, by employing dishonest Clerks, who polled several four or five times over, and four or five out of one House; by denying a Scrutiny, though the Petitioner demanded it; by closing the Poll sooner than he promised to do, when the Petitioner's Friends were absent; by making three hasty Proclamations, contrary to the known Custom of the Kingdom, and many other Devices that he used; by which means the Petitioner lost the Election, to his manifest wrong; and praying that he may be admitted to make out his said Complaint, and that he may have such Redress as the House shall think meet; was read, and *referr'd* to the Committee of *Privileges and Elections*. 1695.

Die Martis, 24 Decembris, 1695. Ordered, That the Report from the said Committee be made upon Friday Morning next. And accordingly,

Die Veneris, 21 Decembris, 1695. Mr. Solicitor General reported from the said Committee, the Case of the Election for the said Burrough, upon the Petition of Sir *George Meggot*, Knt. complaining of an undue Election for the said Burrough; the Committee have examined the Merits of the Election. And, Report.

That the majority of Votes was allowed to be with the sitting Member.

But that the Petitioner insisted, that by the Riot and Tumult made by several Persons that appeared against him he lost many Voters. And that after the Poll was taken, a Scrutiny was demanded, and denied him.

That the Witnesses that were produced on behalf of the Petitioner were:

Thomas Cowper, and *John Cornmil*, who said, That there was a great Croud drawn up for Mr. *Bowyer*, and Mr. *Cox*, (of which about 500 Horse) and that some of them crossed Sir *George Meggot*, and juttled him, but saw no Riot.

John Holland, *James Lawrence*, and *James Pledwell*, who testified, That about St. *George's* Church, a Dozen, or more, came with Staves in their Hands, and cried out, *No Meggot, no Meggot*; and stoppt the Petitioner's Coach, and struck the Coachman, and the Coachman them, and at last knocked down the Coachman.

That *Lawrence*, who was near Sir *George Meggot's* Coach, had his Head broke in several places.

And *Pledwell* said, That he crying out he was for Sir *George Meggot*, they said knock him down. He said, He saw several unknown to him, who would have voted for Sir *George Meggot*, but were frightened from so doing. That he went to the Church to poll for Sir *George Meggot*, but could not get in till he cried out, *A Cox, A Cox*, and being got in, he polled for Sir *George Meggot*.

John Cornmil, who said, That in casting up the Poll, there was 60 Mistakes, to the disadvantage of Sir *George Meggot*, but could not say, but that afterward it was corrected. John

John Lorimer, John Osweleston, and John Cornmil, who said, A Scrutiny was demanded on behalf of *Sir George Meggot*, but was denied, except for such as had been marked with a *Quere*.

That for the fitting Member were produced :

John Lake, and *Thomas Martin*, who said, That they telling *Sir George Meggot*, how much *Mr. Bowyer* and *Mr. Cox* out polled him; and wondring he, notwithstanding, would proceed in the Poll; he said, That he did not value it if he lost it there, for he had Friends enough to bring him into the House of Commons; and said he would lay 500 *l.* he would be in the House.

And that upon the whole matter, the Committee came to these Resolutions, *viz.*

(1.) *Resolved*, " That *Anthony Bowyer*, Esq; is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Southwark*.

(2.) *Resolved*, " That *Charles Cox*, Esq; is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Southwark*.

(3.) *Resolved*, " That the Petition of *Sir George Meggot*, Knt. complaining of an undue Election for the said Burrough, is vexatious, frivolous and groundless.

And the said Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

And, *Resolved* by the House, " That *Sir George Meggot* having preferred to this House a groundless and vexatious Petition, relating to the Election of Members to serve in this present Parliament, for the said Burrough; and having scandaliz'd this House, in declaring, *That without being duly chosen, he had Friends enough in the House, to bring him into this House*; be taken into the Custody of the Serjeant at Arms, attending this House. Also,

Resolved, " That *Sir George Meggot* do make satisfaction to the Members of this House he petitioned against, for the Costs and Expences they have been put unto by reason of such Petitions.

1696. *Die Luna*, 23 *Novembris*, 1696. A Complaint being made to the House, That *Sir George Meggot* had prosecuted at Law several Persons for what they testified the last Sessions, at the Committee of *Privileges and Elections*, upon the hearing of the matter, touching the Election for the said Burrough of *Southwark*.

Ordered, That it be referred to the Committee of *Privileges and Elections* to examine the matter of the said Complaint, and to report the same with their Opinion therein to the House.

Report. *Die Veneris*, 4 *Decembris*, 1696. *Col. Wharton* reported from the said Committee the matter touching the Complaint of a Breach of Privilege committed by *Sir George*, and the Resolution of the Committee thereupon, which he read in his place, and afterwards delivered in at the Clerk's Table, where the same was read, and agreed unto by the House.

Resolved, " That *Sir George Meggot* having prosecuted at Law *Thomas Maylin*, and *John Ladd*, for what they testified at the Committee of *Privileges and Elections*, the last Sessions, upon the hearing the matter touching the Election for the said Burrough, is guilty of a Breach of the Privileges of this House.

Ordered, That *Sir George Meggot* be taken into the Custody of the Serjeant at Arms, attending this House, for the said Breach of Privilege.

Comitatus de Stafford.

1693. *DIE Martis*, 7 *Novembris*, 1693, (being the fifth Session of that Parliament) *Ordered*, That *Mr. Speaker* do issue his Warrant to the Clerk of the Crown, for making out a new Writ to elect a Knight for the said County, in the room of *Walter Chetwind*, Esq; deceas'd.

Burgus

Burgus & Villa de Stafford, in Com' STAFFORD.

In Great Domesday-Book, under the Title *Staffordshire*, is this Entry, viz. In ^{Great Domesday.} fol. 246. a.
 Burgo de Stafford habet Rex in suo Dominio 18 Burgenses. But nothing further
 is there mention'd, either of the Burrough or Burgesses.

DIE Luna, 24 Martii, 1689. A Petition of Philip Foley, Esq; That the Petitioner was duly elected for the said Burrough, yet one Walter Collins, Mayor of the said Burrough, had illegally return'd Jonathan Cope, Esq; read and referr'd, &c. 1689.

Die Luna, 6 Octobris, 1690. In the next Session Mr. Foley renews his Petition, That he was duly elected for the Burrough and Town of Stafford, by the majority of legal Electors; yet the Mayor hath illegally return'd Jonathan Cope, in prejudice to the Petitioner, &c. was also read and referred. 1690.

Die Luna, 12 Novembris, 1694. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough of Stafford, in the room of Jonathan Cope, Esq; deceas'd. 1694.

Die Martii, 3 Januarii, 1698. Thomas Foley, Jun' Esq; being chosen a Burgess for the said Burrough of Stafford, and also for the Burrough of Droitwich, in the County of Worcester made his Election to serve for the said Burrough of Stafford, and Ordered a new Writ for electing another Burgess to serve for the said Burrough of Droitwich, in his room. 1698.

Burgus de Stamford, in Com' LINCOLN.

DIE Sabbati, 24 Novembris, 1694. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ, for electing a Burgess to serve in this present Parliament, for the said Burrough, in the room of William Hyde, Esq; deceas'd. 1694.

Die Mercurii, 4 Decembris, 1695. A Petition of Sir Pury Cust, setting forth, That at the Election of Burgesses to serve in this present Parliament, for the said Burrough, Charles Bertie, Esq; Philip Bertie, Esq; and the Petitioner, stood Candidates to be elected, but the said Bertie, by Gifts, and other unlawful Practices, procured themselves to be returned as Members for the said Burrough, in wrong to the Petitioner, who ought to have been returned instead of one of them; and praying that the House will take the Premises into Consideration; was read and referred. 1695.

Die Veneris, 21 Februarii, 1695. Ordered, That the said Sir Pury Cust have leave to withdraw his Petition, touching the Election for the said Burrough of Stamford.

Burgus de Stockbridge, in Com' SOUTHAMPTON.

LUna, 28 Novembris, 1689. A Petition of William Strobe, Esq; was presented and read, setting forth, That upon the Death of Oliver St. John, Esq; who lately serv'd in this Parliament, for the Burrough of Stockbridge, a Writ issued for electing another Member there. And the 26th of September last, being the Day of Election, the Persons in nomination were, William Montague, Esq; and the Petitioner. That the Petitioner was then duly elected by the majority of legal Electors; but the said Mr. Montague prevailed with Richard Hews, the Constable or Bailiff of the said Burrough, to return the said Mr. Montague, as duly elected, whereby the Petitioner was deprived of his Right. And praying the Consideration and Relief of the House. 1689.

Also a Petition of William Reves, and others, Burgesses of the said Burrough, shewing, That Stockbridge is a Burrough by Prescription, and hath Right to send two Burgesses

gestes to Parliament: That on the death of *Oliver St. John*, Esq; who lately serv'd in this Parliament, for the said Burrough, a Writ issued for electing another Member there; and the 26th of *September* last, the Election came on, at which time the Candidates were *William Montague*, and *William Strode*, Esqs. That *William Strode*, Esq; was duly chosen by the majority of Electors, but *W. Montague*, Esq; and *Richard Hews* the Bailiff of the said Burrough, by Bribery and undue Practices, prevailed with some of the Electors to vote for Mr. *Montague*, whom the Bailiff hath return'd in prejudice to the Petitioner's Right; and prays Relief in the Premises. Both which Petitions were referred to the Committee.

Report. *Die Veneris*, 15 *Novembris*, 1689. Mr. *Gray* reported from the Committee of *Privileges and Elections*, the Case touching the Election for this Burrough, That the Petitioner insisted, the Election of the fitting Member was procured by Bribery. And *W. Reves*, *T. Bucknal*, and *J. Hall* testified, They were at *Samuel Hall's*, an Inn-keeper, and Constable of the Town, the Day before the Election, where was present Mr. *Montague*, and several of the Electors; and that *S. Hall* then declared, that any one who would vote for Mr. *Montague* should have 4 Guineas, but could not say by whose Authority he offered it, only that before the said Offer, the generality of Voters were inclin'd for Mr. *Strode*. That they could not name any Person who had received Money, on account of the Election, but that one *Odes*, who voted for Mr. *Montague* said he was promised 4 Guineas, and had received part of it of one *Gatehouse*. But *Odes* denied he spake to that purpose, but said that he had borrowed 20 s. of *Gatehouse*; and testified that *J. Pucknal* told him, if he would vote for M. *Strode*, he should have 20 s. in hand, and 5 l. afterward.

Gosling said he was promis'd by *Gatehouse* 4 Guineas to vote for Mr. *Montague*, and receiv'd his Money in two Payments, viz. 40 s. the Day after the Election, and 2 l. 6 s. in *October* last, but that Mr. *Montague's* Steward said, when he gave him the 40 s. it was for his charge in quartering Soldiers.

T. Blatch denied that he had received any Money for his Vote, nor was promised any; but said, the Gentleman gave him of his good Will, for his charge in quartering Soldiers, 40 s. and that he had since received 2 l. 6 s. of Mr. *Robinson*, Mr. *Montague's* Agent, to bear his Charges to *London*, if there was occasion.

Richard Rose said he had received 40 s. of *Gatehouse*, but had paid it him again, and had since received 40 s. towards his Charges.

Snow said that *Odes* confess'd to him he had received 40 s. and 20 s.

For the fitting Member 'twas insisted, That Mr. *Montague* was chosen by much the greater Number, having 44 Votes, and Mr. *Strode* but 6; and that more Money had been offered on Mr. *Strode's* behalf, than was alledged to be on behalf of Mr. *Montague* and produced a Paper signed by 40 odd of the Electors, dated 30 *October*, 1689, and amongst the rest, by *Gosling*, which imported, That they had freely chosen Mr. *Montague* without any Importunity; and *Gosling* own'd the signing of it, but said it was not read to him, nor he told the Contents of it.

But *Page Robinson* said, He read the Paper distinctly to the several Subscribers, and particularly to *Gosling*. And that he never distributed Money directly or indirectly for Mr. *Montague's* Election, but paid 2 l. 6 s. to *Gosling* for his charge, because he heard there was a Petition lodged in this House against Mr. *Montague*. That Mr. *Montague* gave him no Money for quartering Soldiers, but some few Gentlemen met together after the Election, and agreed upon it; that some of it was his own Money, and some Mr. *Montague's*: That he believed the Charges of Bills, and other Matters touching the Election, might amount to 200 l. That he paid Money to several towards their Charges to *London*; but denied that he paid 40 s. to any the Day after the Election. But *Blatch* being confronted with him, said, He had paid him 40 s. the Day after the Election.

Hugh Goddard said, *T. Bucknall* offer'd him 6 Guineas to Vote for Mr. *Strode*, and proffer'd a Crier a Guinea to proclaim that any one should have 6 Guineas who would Vote for Mr. *Strode*.

Richard White the Crier said, *Bucknall* offer'd him a Guinea to Cry, that if any one would Vote for Mr. *Strode*, he should have a Guinea in hand, and 5 Guineas afterward, but *Bucknall* did not say he had Authority from Mr. *Strode*, nor did *White* see the Guinea, and said further, that he was sent by the Bailiff and Constable to invite Mr. *Montague* down, and to tell him they would chuse him Burgefs.

Daniel Tongue said, *John Hall* offered him 6 Guineas to Vote for Mr. *Strode*, but *Hall* being confronted, denied it, and said he had never such a Thought.

Samuel

Samuel Hall said, *Bucknall* offered him 10*l.* to be for *Mr. Strode*, and told him, that *Mr. Strode* had ordered it.

Richard Hewes the Bailiff said, he and 5 or 6 of his Neighbours invited *Mr. Montague* to stand for Burgesses, and never had a farthing offered him.

And that upon the whole matter, the Committee resolved as their opinion.

1. "That *W. Montague*, Esq; is not duly elected a Burgess to serve in this present Parliament for the said Burrough of *Stockbridge*.
2. "That *W. Strode*, Esq; is not duly elected a Burgess, &c.
3. "That the said Election is a void Election.

To all which Resolutions the House agreed; and Ordered, That *Richard Hewes* the Bailiff, with *Robinson*, *Gatehouse*, and *S. Hall*, be sent for into Custody of the Serjeant at Arms, for giving and taking Bribes at the said Election.

And the Question being put, that *Thomas Bucknall* be also sent for in Custody of the Serjeant at Arms, it passed in the Negative.

"Resolved, That *W. Montague*, Esq; be disabled from being elected a Burgess to serve in this present Parliament for the said Burrough of *Stockbridge*.

"And the Question being put, that *W. Strode*, Esq; be disabled in like manner, on a Division of the House it passed in the Negative; Yeas 135, Noes 138.

"And a Debate arising touching Disfranchising the said Burrough for ever hereafter from sending Burgesses to Parliament, and that instead thereof, 2 more Knights of the Shire be chosen for the County of *Southampton*; Resolved, That the Debate be Adjourned till Monday morning next Ten a Clock.

Mercurii 27 Novembris, A Petition of *Hewes*, *Hall*, and *Gatehouse*, Inhabitants of *Stockbridge*, That they were sorry they had incurred the Displeasure of the House, by encouraging the giving Mony, and by other irregularities at the late Election there, which had not been, but that they were so near Ruine by the late King's Army continually quartering upon them, and praying consideration of the House, and to be discharged from their Confinements.

And the Petitioners being called in, and severely reprov'd by Mr. Speaker for their Offences, were discharged paying their Fees.

Die Jovis 28 Novembris, *Robinson's* Petition, That he was Committed, &c. for giving and taking Bribes, whereby he has jointly incurred the displeasure of the House, for which he is heartily sorry, acknowledging his Offences in so doing, and praying to be discharged from his great Charge and Confinement; and he being called in, and severely reprov'd by Mr. Speaker for his Offence, was discharged, paying his Fees.

Die Sabbati 14 Decembris, Ordered, a new Writ to be issued for a new Election for the said Burrough, in the room of *Mr. Montague*.

Die Mercurii 28 Januarii, 1689. A Petition of divers Burgesses and Inhabitants of the said Burrough, complaining of an undue Election and Return of *Mr. Neale* to be Burgess for the same, was read and referred. 1689.

Die Martis 25 Martii, 1690. A Petition of *William Montague*, Esq; That he was duly elected for the said Burrough, as by the Records in the Crown Office appears, but being in execution in Custody of the Marshal of B. R. at the time of the said Election, the Marshal scruples to give him the Liberty he ought to have by Privilege of Parliament to attend his Duty there; and in regard that by the Law, notwithstanding such his Execution, he is a Person eligible to serve in Parliament, and is so elected, he prayed his Privilege, and to be enlarged; referred to the Committee. 1690.

Die Mercurii 2 Aprilis, 1690. A Petition of *William Reves*, and other Burgesses of the said Burrough, setting forth, That *William Strode*, and *Richard Whitehead*, Esqs; were duly elected for the said Burrough, but that the Bailiff *Richard Hewes*, hath returned *William Montague*, Esq; instead of the said *Mr. Strode*, tho' not duly chosen, in prejudice of the Petitioner's Rights; read and referred.

Die Lune 5 Maii, 1690. *Mr. Charles Montague* reported from the Committee appointed to search Presidents upon the Petition of *William Montague*, Esq; the Case of the said *Mr. Montague*, with the Presidents relating thereunto as follows, viz. Report.

That it appeared by the Books of the Marshal of the King's Bench, that *William Montague*, Esq; did surrender himself to the said Marshal on 28 January, 1689. But as to the time of his being charg'd in Execution, by the Committitur upon the Judgment in the King's Bench, he is said to be present in Court, and charged in Execution for the Sum of 5073*l.* at the Suit of *John Lewknor*, Esq; on the 5th of February, 1689. but by the Marshal's Books he is not charged till the 7th of February.

That

That it appears by the Record in the Crown Office, that a Writ bearing Date *February* the 6th, 1689. was directed to the Sheriff of *Southampton* for electing Members, and that there is returned with it an Indenture from the Burrough of *Stockbridge*, dated *February* the 21st, wherein it is certified, that *William Montague*, Esq; and *Richard Whitehead*, Esq; are duly elected Burgessees for *Stockbridge*.

That they likewise considered whether Mr. *Montague*, being in Execution on the 5th or 7th of *Februarii*, was capable of being elected on the 21st, and find that my Lord *Cook*, in his 3 Institutes affirms, that all Persons are eligible except Aliens, Minors, and Persons attainted of Treason or Felony; and likewise, that Sir *Trevor Williams*, and others, did serve as Members of the last Parliament, tho' charged in Execution before the Dates of the Letters of Summons.

That in the next place they searched for Presidents of the Method of Proceedings which this House hath used in Cases of Privilege, that did nearest resemble this; and in their inquiry they observed great Diversity in the Presidents, according to the difference of times, the Privileges of this House being less limited in some Reigns than in others, and the method of freeing their Members under Arrests very different; and therefore they thought fit to have them reported according to the order of time wherein they happened.

In the 31 H. 6. The Case of *Thomas Thorpe*, Speaker of the House, which was thus, viz. The Parliament having been Adjourned at Reading, from the 12th of *November* to the 11th of *February*, and thence to the 14th following, *Richard Duke of York*, Sued *Thomas Thorpe*, the said Speaker, in the Exchequer, and got a Verdict and Judgment against him for 1000*l.* Damages, and 10*l.* Costs between the said 12th of *November*, and 11th of *February*, and took and detain'd him Prisoner in the *Fleet*; whereupon, when the Parliament met, the whole House of Commons presented a Petition for his Enlargement, which being entred in the Parliament Rolls, the Committee ordered to be reported at large as follows.

Requesta facta per Communes pro deliberatione Prolocutoris.

Fait a rememorer que le quatorziesime jour de Fevever l'anne suis ditz les Communes per certain de Pour Compagnions firent Request au Roy & les Seigneurs Esprituels & Temporels en le dit Parlement esteants qu'eux peussent avoir & enjoyer toutz tuz tielz Libertes & Privileges comme ont este accoustumez & d'auncient Tempz usez pur venantez au Parlement, & concordant a Mesmez les Libertez & Privileges que Thomas Thorp leur Commune Parlour, & Walter Rayle Members de la dit Parlement adonques esteantz en Prison peussent aller a leur large & Libertee pur le boon exploit du dit Parlement, 31, 32 H. 6. N. 25, 26.

Declaratio facta ex parte Ducis Ebor. contra Deliberationem predicti Prolocutoris.

Item, That Friday the 15th day of *February* it was opened and declared to the Lords Spiritual and Temporal, being in the Parliament Chamber, by the Council of the Duke of *York*, viz, That whereas *Thomas Thorpe*, on Monday the day of in the 31st Year of the Reign of King *Henry* the 6th, came to the Place of the Bishop of *Durham*, and thence and there to be and bear away certain Goods and Chartles of the said Duke's, against his Will and Licence; and thereupon the said Duke tained and took an Action by Bill in *Michaelmas* Term last past against the said *Thomas* in the Court of Exchequer, according to the Privilege of the same Court, forasmuch as the said *Thomas* was one of the same Court, by which Privilege he ought to be impleaded in that Court of Exchequer in such Cases, and in none other Court; to the which Bill the said *Thomas* wilfully appeared, and had divers days to imparle at his Request and Desire, and to the said Bill and Action answered and pleaded Not Guilty; whereupon there was awarded in the Exchequer a *Venire facias* to the Sheriff of *Middlesex* returnable in the said Exchequer, and there by the Jury that pass'd between the said Duke and the said *Thomas* it was found, that the same *Thomas* was guilty of the Trespass contain'd in the said Bill; and the same Jury assess'd Damages to the said Duke for the said Trespass, to a Thousand Pounds, and for his Costs Ten Pounds, and thereupon Judgment was given in the said Exchequer; and the said *Thomas*, according to the course of Law, was committed to the *Fleet* for the Fine belonging to the King in that behalf; and thereupon it was prayed humbly, on behalf of the said Duke, that it should like their good Lordships, considering that the said Trespass was done and committed by the said *Thomas* since the beginning of this present Parliament; and also, that the said Bill and Action were taken and tained by Process of Law, and Judgment thereupon given against the said *Thomas*, in time of vacation of the same Parliament, and not in Parliament time; and also, that if the said *Thomas* should be released by Privilege of Parliament, e'er the time, that the said Duke be satisfied of the said

said Damages and Costs, the same Duke should be without Remedy in that behalf; That the said *Thomas*, according to the Law, be kept in Ward to the time that he hath fully contented and satisfied the said Duke of his said Damages and Costs.

The Lords Spiritual and Temporal, not intending to impeach or hurt the Liberties and Privileges of them that were Commons for the Commonalties of this Land to this present Parliament, but legally after the course of Law to minister Justice, and to have Knowledge what the Law will weigh in that behalf, opened and declared to the Justices the Premises, and asked of them whether the said *Thomas* ought to be delivered from Prison by Force and Virtue of the Privilege of Parliament or not? To the which Question the Chief Justice, in the Name of all the Justices, after sad Communication, and mature Deliberation had among them, answered and said,

"That they ought not to answer to that Question, for it hath not yet been used
"aforetime, that the Justices should in any wise determine of the Privileges of the
"high Court of Parliament, for it is so high and mighty in its Nature, that it may make
"Law, and that what is Law it may make no Law, and the Determination and Know-
"ledge of that Privilege belongeth to the Lords of the Parliament, and not to the
"Justices. But as for declaring of proceeding in the Lower Courts in such Cases, as
"Writs of Superfedeas of Privileges of Parliament be brought and delivered the said
"chief Justices, and there be many and divers Superfedeas's of Privilege of Parlia-
"ment brought into the Courts, but there is no general Superfedeas brought to Surcease
"all Process, for if there should be, it should seem that this High Court of Parlia-
"ment, that ministreth all Justice and Equity, should lett the Process of the Common
"Law, and so it should put the Parties complaint without any Remedy: Forasmuch
"as Actions at Common Law be not determined in this High Court of Parliament,
"and if any Person that is a Member of this High Court of Parliament be Arrested in
"such cases as be not for Treason and Felony, or surety of the Peace, or for a Con-
"demnation had before the Parliament, it is used that all such Persons should be re-
"leased of such Arrests, and make an Attorney, so that they may have their Freedom
"and liberty freely to entend upon the Parliament.

After which Answer and Declaration it was thoroughly agreed, assented to and concluded by the Lords Spiritual and Temporal.

That the said *Thomas*, according to Law, should remain still in Prison for the causes abovesaid, the Privileges of Parliament, or that the said *Thomas* was Speaker of the Parliament notwithstanding; and that the Premises should be opened and declared to them that were comen for the Commons of this Land, and that they should be Charged and Commanded in the King's Name, that they with all goodly halte and speed proceed to the Election of another Speaker.

The which Premises, forasmuch as they were matters in Law by the Commandment of the Lords, were opened and declared to the Commons by the Mouth of *Walter Moyle*, one of the King's Serjeants at Law, in the presence of the Bishop of *Ely*, accompanied with other Lords in notable number; and there it was charged and commanded to the said Commons by the Bishop of *Ely* in the King's Name, that they should proceed to the Election of another Speaker with all goodly halt and speed, so that the matters for which the King called this his Parliament might be proceeded in, and this Parliament take good and effectual conclusion and end.

Note, the King himself was not present during this Session, but the Duke of *York* did all things in this Parliament by a special Commission from the King, viz.

De procedendo in Parlamento.

Memorandum pro eo quod Dominus Rex qui presens Parliamentum suum, nuper apud Reding inchoavit & tenuit, & usq; 14 Diem Februarii, Anno dicti Domini Regis 32 apud Palatium suum Westm' adjournari ordinavit propter certas justas & rationabiles causas in eodem Parlamento, in persona sua interesse non potuit; idem Dominus Rex de advisamento & assensu Concilii sui, quasdam Litteras Patentes sub magno sigillo suo signatas, coram Dominis Spiritualibus & Temporalibus in presenti Parlamento dicto quarto decimo die Februarii existen' legi fecit in hac verba.

Ex Rotl.
Parl. 31 H.
6. N. 24

Henricus, D. G. Rex Anglia & Francia & Dominus Hibernie, omnibus ad quos presentes Litteras pervenerint salutem. Sciatis quod cum pro quibusdam arduis & urgentibus negotiis nos statum & Defensionem Regni nostri Anglia & Ecclesie Anglicane contingentibus, Quod Parliamentum nostrum nuper apud Reding teneri, & usq; 14 Die hujus instantis mensis Februarii ad Palatium nostrum Westm' adjournari ordinavimus, quia vero dicto Parlamento nostro propter certas justas & rationabiles causas, in persona nostra non poterimus interesse: Nos de circumspectione & Industria Clarissimi Can-

B b b b

Janguinei

sanguinei nostri, Richardi Ducis Ebor' plenar' fiducia' reportan' eidem Consanguineo nostro ad Parliamentum predicti nomine nostro tenend' & in eodem procedend' & ad finiend' omnia & singula que pro nobis & per nos pro bono Regimine & Gubernatione Regni nostri predicti, ac aliorum Dominorum nostrorum eidem Regno nostro pertinent' ibidem fuerint faciend' nec non ad Parliamentum illud faciend' & dissolvend' consensu consilii nostri plenam tenore presentium committimus potestatem. Dantes ulterius de assensu ejusdem Consilii nostri tam universis & singulis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus & Militibus, cum omnibus aliis quor' interest ad Parliamentum nostrum predictum convenitur' scilicet Tenore presentium firmit' in mandatis, Quod ibidem Consanguineo nostro intendant in premissis in forma predicta. In cujus rei Testimonium has Litteras nostras fieri fecimus Patentes. Teste meipso apud Westm' xii die Februarii, Anno Regni 32 per ipsum Regem & Consilium.

That the Committee had likewise before them a private Act of Parliament, 1 H. 7. wherein is set forth.

Rot. Parl.
1 H. 7. N. 26.

That where Richard, sometime Duke of York, by the excitation, stirring and moving of one Thomas Colt, Esq; being nigh of Council with the said late Duke, grievously maligned against Thomas Thorpe, for the true and faithful Service that he had done and owed to the said late King Henry 6. and thereupon the said late Duke affirmed a Bill of Trespas against the said Thomas Thorpe, in the Court of the King's Exchequer, supposing by the same Bill, that the said Thomas Thorpe should have taken from the said Duke divers Goods and Chattles to the value of 2000*l.* where in Truth the said Thomas Thorpe never took no such Goods of the said Dukes, only by the Commandment of the King, the said Thomas Thorpe Arrested certain Harness and Habiliments of War of the said Duke, to which Action the said Thomas Thorpe, by the special Labour and untrue means of the said Thomas Colt was condemned to the said Duke in 1010*l.* and after that the said Thomas Thorpe was with the said King Henry 6. in the Field of Northampton, and there was taken Prisoner, and after was cruelly and contrary to all Law and Conscience beheaded and put to Death, in Heringy Park, Rot. Parl. 1 H. 7. N. 26.

That there are several other Presidents in the time of Henry 6. and Edw. 4. where Members Arrested and taken in Execution, sitting the Parliament, were obliged to procure Acts of Parliament for their Enlargement, viz.

Rot. Parl.
8 H. 6. N. 57.

William Lark, menial Servant, an attendant on William Milrede, one of the Citizens of London for the Parliament of 8 H. 6. was Arrested at Westminster while attending there on his Master sitting the Parliament, and upon the Petition of the Commons, there was a special Act of Parliament for his Enlargement.

39 H. 6. N. 9.

There was the like Act of Parliament for Enlargement of Walter Clerke, Burges of Chippenham and Wilts.

14 E. 4. N. 55.
17 E. 4. N. 35.

Another for William Hide Burges of Chippenham.

Another for John Atwill, Burges for Exeter.

All which were Arrested and taken in Execution during the Parliament, and their Attendance of the House, yet released by special Acts of Parliament.

But in the time of H. 8. the House proceeded by another manner, as in

34 1 H. 8.

The Case of George Ferrers, who being Arrested during the Parliament, was set at liberty by the Serjeant, and the Sheriff's of London, for refusing to deliver him, were sent to the Tower, Hollingshead, p. 1582.

35 H. 8.

Another President that the Committee considered, was the Case of Chamond, as reported by my Lord Dyer, fol. 59, 60. Note, this Case is entred at large in the Journal, as in Dyer, *ibid.*

It

That they likewise observed the Record in that Case of Dyer.

That the Parliament was first Summoned and began 16 January, 33 H. 8. was Prorogued to 22 January, 34 H. 8. and afterwards to 14 January, 35 H. 8. That the Bill there brought by Skewys versus Trewynard, was Mich. 31 H. 8. 2 Years before the Summons of the Parliament. That the exigent awarded against him after Judgment, was 30 June, and 35 H. 8. that his rendring himself was 12 November, 35 H. 8. about 2 Months before the Sessions began, which began on January, 35 H. 8. So that the granting a Writ of Privilege on the 22 of February 35 H. 8., was contrary to the practice in Thorp's Case.

That there is likewise observable, a special Clause in the Writ of Privilege that issued forth at this time, and runs thus,

Cum secundum Consuetudinem in Regno nostro Angliæ hactenus obtent' & approbat' Domini Magnati & Milites, Comitatum & Cives & Burgeses Civitatum & Burgorum ad Parliamenta nostra de summonitione venientes, seu venire intendentes aut in eadem

eisdem circa ardua negotia statum & utilitatem Regni nostri prædicti concernentia attendentes, sub protectione nostra Liberi, &c. Hill. 39. H. 8. Rot. 39. in Banco Regis.

And that thereby this Privilege is not limited to *cundo Morando, & Redeundo*, but is allowed to them that designed to come up to Parliament, *i. e. venire intendentes*.

That the next Case, in Time, is *Thomas Fitzberbert's Case*, which is reported in *Di Moor's Reports*, p. 340. and is from thence transcrib'd, into the *Journal*, at large.

That this Case is likewise reported by Sir Symon Dews, from the anonymous *Journal*, which he so often quotes, p. 479, 490, 502, 516, 518.

The next Precedent is that of Sir Thomas Shirley, 1 Jacobi, as follows.

1 Jacobi.

The Parliament, 1 Jacobi, was summoned to meet on the 19th of March, and the 15th of March, Sir Thomas Shirley, who was elected for *Steyning*, in *Sussex*, was arrested, and committed to the *Fleet*, p. 39.

Burgus de
Steyning, in
Com' Suff-
sex.

Upon a motion made on his behalf, the House Ordered, That Mr. Speaker's Warrant should issue to the Clerk of the Crown, for a *Habeas Corpus* to deliver the Body of Sir Thomas Shirley, into the House on Tuesday following, the 22d of March, p. 39.

It appeared, on Examination of the Fact, that the Execution was taken forth the 30th of January, 1603, a Day before the Telle of the Writ, and was delivered to the Serjeant the 11th of February, before Sir Thomas was elected. The Heads of the Debate on this Election are entred on the *Journal*, and it there appears that the Debate concluded with appointing a Committee to consider of all the Doubts and Questions in the Case, 27 March, 1604. p. 58.

Upon the Report of the Committee, the House Ordered, That *Sympson*, at whose Suit Sir Thomas Shirley was arrested, should be committed to the *Tower*, and that they would hear Council, and all Parties upon these three Points, viz.

1. Whether Privilege were to be allow'd, since Execution was taken out before the Parliament fate?

2. Whether the Action was discharged?

3. Where the Loss should lye 9 April, 1604?

The Arguments of the Council, and the Precedents they used, appear in the *Journal*, p. 128. Upon reading which, Three Questions were put, viz.

1. Whether *Thomas Shirley* should have Privilege?

2. Whether presently, or defer it till further Order?

3. Whether we shall be Petitioners to his Majesty, (according to former Precedents) for some course of securing the Debt of the Party, and saving harmless the Wardens of the *Fleet*. All Resolved in the Affirmative, p. 131.

A Bill for securing *Sympson's* Debt, was twice read, and committed. The same read a third time, and passed, p. 144, sent to the Lords, p. 148.

A Bill for Relief of Plaintiffs, where the Defendants in Execution are set at liberty, altered in the Style, and Ordered to be engrossed, 27 April, 1604.

On the 2d of May, a Motion was made to appoint a Committee to consider of all such Precedents as shall be offered in the Particulars of Sir Thomas Shirley's Case of Privilege, and there are the Copies of several Records in your *Journal*.

Resolved, "That Sir Thomas Shirley be presently delivered, and Ordered, upon the Question, That a Writ of *Habeas Corpus* be presently awarded for bringing of his Body, being Prisoner in the *Fleet*, into the House to morrow at 8 a clock in the Morning, and accordingly a Warrant containing the effect of the Order under the Speaker's Hand was directed for the Clerk of the Crown.

On the 4th of May a Petition was delivered, and read in the House, to be exhibited to his Majesty for the Royal Assent to Sir Thomas Shirley's Bill, presently to be had, but upon the reading, it was not approved, nor thought fit by the House to proceed in that manner, being (as was conceived) some Impeachment to the Privileges of the House; the Petition it self is entred in the *Journal*, and is according to those Acts that passed in the time of E. 4. But the House Resolved that a *Habeas Corpus* be awarded.

But the Warden of the *Fleet* denied to execute the *Habeas Corpus*, before the Royal Assent was procured to the Bill for security of *Sympson* and himself, and was committed to the Serjeant, May the 7th, 1604. And the same Day an Act for new Executions to be sued after the Parliament, when the Defendants were Members &c. was read a third time, and passed.

The Warden continuing obstinate, and refusing to deliver Sir *Thomas Shirley*, unless he would give Security. *Ordered*, (1.) To commit him close Prisoner to the Tower. (2.) To send the Serjeant to morrow, (fitting the Court) to require the Delivery of Sir *Thomas Shirley*, 8 May, p. 213.

The Serjeant returned from the *Fleet*, says the Warden's Wife refuses to deliver him. Mr. Secretary *Herbert* Reports, That his Majesty upon reading the Precedent of *Ferrer's*, was graciously pleased to leave it to their liberty, to proceed in the Case of Sir *Thomas Shirley*, as they thought fit, 9 May, p. 217.

The first Bill for securing the Debt of *Sympton* being found faulty, after it had passed both Houses, a new Bill was drawn, and passed the House in one Day.

Sir *Roger Aston* delivered from the King, that *in verbo principis*, he will give his Assent at the end of the Sessions, 10 May, p. 219.

The Warden and his Wife continuing obstinate, the House committed him to the Prison of *Little-Ease*, within the Tower, 11 May, and upon the 15th caused Sir *Thomas* to be delivered, and he was instantly admitted to sit in the House, p. 282.

That there were but three Cases, since the Statute of King *James*, that the Committee were acquainted with.

The First is the Case of Sir *William Bampfild*, as follows.

12 Jac. 1. Saturday the 9th of April 12 Jac. 1. Sir *John Strangeways* moved, That Sir *William Bampfild*, Burgess for *Bridport*, who is committed by my Lord Chancellor, since the time of the Summons of Parliament, but before his Election, and prays the Direction of the House: Referred to the Committee for Privileges.

Thursday, the 14th of April, Mr. *Fuller* reports Sir *William Bampfild's* Case, That he was committed before his Election, for a Contempt, for not accepting the Offer of Sir *George Wentworth*: And thereupon the Question was put, Whether Sir *William Bampfild*, committed after the Summons, and before his Election, for a Contempt, shall have his privilege? And *Ordered*, upon the Question, That he shall have his Privilege by Writ of *Habeas Corpus*.

The Second is that of Sir *John Prittyman*.

The Parliament was prorogued from the 10th of November, 1674, to the 13th of April, 1675.

The 14th of April, 1675. Information being given to the House, that Sir *John Prittyman*, a Member of this House, is detained a Prisoner in the *King's Bench*.

Ordered, That the Marshal of the *King's Bench* do bring Sir *John Prittyman* to morrow Morning to this House, together with the Cause of his being detained in Prison.

The 15th of April, the Marshal of the *King's Bench* being called in to give an Account of the Order sent to him, and having given an Account why he had not at present obeyed that Order.

The matter was referred to the Committee of Privileges.

The 20th of April, *Resolved*, " That Sir *John Prittyman* be delivered out of the Custody of the Marshal of the *King's Bench*, to attend the Service of the House— And also, *Resolved*, " That Sir *John Prittyman* be delivered from such Custody, by sending the Serjeant at Arms with the Mace, to bring him to the service of this House.

The Third is that of Sir *Robert Holt*, viz.

The 16th of February, 1676, Information was given to the House from Sir *Robert Holt*, a Member of this House, that he was detained a Prisoner in the *Fleet*, at the Suit of Mr. *Edmund Prideaux*, and thereby hindered from attending the service of the House. Also a Petition of Mr. *Prideaux* was tendered and read, and a Debate arising thereupon, *Resolved*,

" That the matter of Sir *Robert Holt's* being detained in the Prison of the *Fleet*, in Execution, and thereby hindered from attending the service of this House, be referred to the Committee of Elections and Privileges, and they are to search Precedents in the Case.

The 2d of April, 1676. *Resolved*, " That Sir *Robert Holt* be delivered out of the Custody of the Warden of the *Fleet*, to attend the service of this House. And *Resolved*,

" That he be delivered from such Custody, by sending the Serjeant at Arms, with the Mace, to bring him to the service of the House.

All which the said Case, and the Precedents relating thereunto being read, the House *Ordered*, That the said Report be taken into Consideration on Friday Morning next. But, *Quare*, what further was done therein.

Die Martis, 28 April, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for making out a new Writ for the Election of a Burgess to serve in this present Parliament, for the said Burrough of Stockbridge. 1691.

Die Martis, 26 Maii, 1691. A Petition of *Anthony Rowe, Esq;* complaining of an undue Election and Return of *Thomas Fervois, Esq;* for the said Burrough, in injury to the Petitioner, and praying the Consideration of the House, read and referred.

Die Sabbati, 31 Octobris, 1691. The said Mr. Rowe renews his Petition, setting forth, That he was duly elected for the said Burrough of Stockbridge, yet the Bailiff of the said Burrough hath unduly returned *Thomas Fervois*, tho' he had not so many qualified Voices as the Petitioner; and that several of them were obtained by Threats and Practices; and praying the Consideration of the House in the Premises, read and referred.

Die Sabbati, 7 Novembris, 1691. Ordered, That *Anthony Rowe, Esq;* have leave to withdraw his Petition to this House, touching the Election for the said Burrough.

Die Martis, 7 Novembris, 1693. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament, for the said Burrough, in the room of *Richard Whitehead, Esq;* deceased. 1693.

Die Lune, 18 Decembris, 1693. Ordered, That the Report from the Committee, touching the Election for the said Burrough, be made upon Wednesday Morning next, at 11 a clock. And accordingly,

Die Mercurii, 20 Decembris, Sir *John Dorrel* reported from the said Committee, Report. the matter of the said Election, viz. [*Quare the Report.*]

Die Mercurii, 20 Decembris, 1693. Resolved, by the Committee, as their Opinion, " That *Anthony Rowe, Esq;* is duly elected a Burgess to serve in this present Parliament, for the Burrough of Stockbridge, in the County of Southampton.

And the said Resolution being read a second time, and the Question being put, That the House do agree with the said Resolution; it passed in the Negative.

Then the Question being put, That *Henry Dawley, Esq;* is duly elected to serve in this present Parliament, for the Burrough of Stockbridge, in the County of Southampton; it passed in the Negative.

Resolved, " That the said Election for the said Burrough of Stockbridge, is a corrupt and a void Election.

Resolved, " That a Bill be brought in for disabling the said Burrough of Stockbridge to send Burgesses to serve in Parliament for the future.

" And that a Committee be appointed to prepare and bring in the same.

" And that it be an Instruction to the said Committee, to transfer the Election of Burgesses to serve in Parliament, from the said Burrough of Stockbridge. And accordingly,

Die Lune, 8 Januarii, 1693. Mr. *Smith*, according to Order, presented to the House a Bill to disable the said Burrough of Stockbridge, to send Burgesses to serve in Parliament for the future; and the same was received, and read the first time, and ordered to be read a second, upon Thursday Morning next, after 11 a clock.

Die Veneris, 12 Januarii, 1693. Ordered, That the Bill to disable the Burrough of Stockbridge from sending Burgesses to serve in Parliament for the future, be read the second time, upon Wednesday Morning next.

Die Mercurii, 17 Januarii, 1693. Ordered, That the Bill to disable the said Burrough of Stockbridge from sending Burgesses to serve in Parliament for the future, be read the second time, upon Wednesday Morning next, at 10 a clock.

Die Jovis, 25 Januarii, 1693. Ordered, That the Bill to disable the said Burrough of Stockbridge from sending Burgesses to serve in Parliament for the future, be read a second time, upon Wednesday Morning next.

Die Mercurii, 31 Januarii, 1693. Ordered, That the Bill to disable the said Burrough of Stockbridge from sending Burgesses to serve in Parliament for the future, be read a second time, upon Munday Morning next.

Die Lune, 5 Februarii, 1693. That the Bill to disable the said Burrough of Stockbridge from sending Burgesses to serve in Parliament for the future, be read the second time, upon Wednesday Morning next, at 10 a clock. And accordingly,

Die Mercurii, 7 Februarii, 1693. The Bill to disable the said Burrough, was read a second time, and committed to Mr. *John Smith*, Sir *Edward Seymour*, Sir *Robert Davers*, Sir *Jacob Ashley*, Sir *Richard Onslow*, Mr. *Slater*, Mr. *Boscawen*, Mr. *Blowford*, Mr. *Bowyer*, Mr. *Bulkley*, Mr. *Chetwind*, Mr. *How*, Mr. *Lutterel*, Mr. *Neal*, Mr. *Christy*, Mr. *Brewer*, Mr. *Harley*, Sir *Francis Guybon*, Sir *William York*, Mr. *Hertbert*,

bert, Col. Titus, Mr. Richard How, Mr. Cook, Mr. Randal, Mr. Fleming, Mr. Bidulph, Sir William Cook, Mr. Pigott, Mr. Hutchinson, Mr. Hedger, Mr. White, Sir Christopher Musgrave, Mr. Palmes, Mr. Vincent, Mr. Arnold, Mr. Etterick, Mr. Fry, Mr. Bickerstaff, Mr. Ogle, Sir Thomas Haslerig, Mr. Clark, Mr. Symon, Mr. Smith, Mr. England, Mr. Windham, Mr. Waller, Sir John Kay, Sir Thomas Clarges, Mr. Onslow, Mr. Fuller, and all that serve for the County of Southampton, and they are to meet at 4 this Afternoon in the Speaker's Chamber.

A Petition of the Bailiff, Constable, and other Inhabitants of the said Burrough of Stockbridge, was presented to the House, and read, setting forth, That the Petitioners are sensible of the High Displeasure of this House, occasioned by certain Irregularities committed by some Members of the said Burrough, for which there is a Bill in this House, to disfranchise the Burrough; That the Petitioners hope the House will not use such Severity to the Burrough-Masters, they being resolved, for the future, in all difficult Cases to consult the Gentlemen of the County thereabouts; and praying that the Bill may be withdrawn, and that the ancient Frame and Constitution of the said Burrough, in sending Members to Parliament, may not be altered.

Resolved by the House, on the Question, " That the said Petition be rejected. Also,

Another Petition of the Bailiff and Inhabitants of the Town of Stockbridge was presented and read, setting forth, That the said Town is an ancient Burrough, time out of mind; and that the Petitioners are very much afflicted, that any Circumstances of the late Election have brought them under the Displeasure of the House; and praying that they may be heard at the Bar of this House, before the said Bill to disable the said Burrough from sending Burgesses to serve in Parliament for the future, do pass into a Law.

Resolved by the House, on the Question, " That the said Petition be rejected.

Die Mercurii, 21 Februarii, 1693. Ordered, That the Committee to whom the Bill to disable the said Burrough from sending Burgesses to serve in Parliament for the future be revived, and that they have power to send for Persons, Papers, and Records.

Die Jovis, 15 Martii, 1693. Ordered, That the Report from the Committee, to whom the Bill to disable the said Burrough from sending Burgesses to serve in Parliament for the future, was committed, be taken into Consideration upon Tuesday Morning next. But then, viz.

Die Martis, 20 Martii, 1693. Ordered, That the said Report be taken into Consideration upon Thursday Morning next. And accordingly,

Die Jovis, 22 Martii, 1693. The House took into Consideration the Report from the Committee, to whom the Bill for disabling the said Burrough was committed: And the Amendments made, by the Committee, to the said Bill were read.

And the said Amendments being read a second time, were, upon the Question severally put thereupon, agreed unto by the House. And some other Amendments were made by the House to the said Bill, and Ordered, That the said Bill, with the Amendments, be engrossed.

1694. *Die Mercurii, 28 Martii, 1694.* Ordered, That the engrossed Bill for disabling the said Burrough from sending Burgesses to serve in Parliament for the future, be read a third time, upon Friday Morning next. And accordingly,

Die Veneris, 30 Martii, 1694. The said engrossed Bill was read the third time.

And the Question being put, That the Bill do pass— It passed in the Negative.

Die Jovis, 19 April, 1694. A Motion being made, and the Question being put. That a Warrant be now directed to the Clerk of the Crown, to make out a new Writ for the electing a Burgess to serve in this present Parliament, for the said Burrough of Stockbridge, in the room of Richard Whitehead, Esq; deceased. It passed in the Negative. And,

Die Lune, 12 Novembris, 1694, (being the 1st Day of the following Session.) A Motion being made, that Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out, &c. *ut supra.*

Resolved, " That the Consideration of the said Motion be adjourn'd till to morrow sevenight. And then, viz.

Die Martis, 20 Novembris. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess, &c. in the room of Richard Whitehead, Esq; deceased.

1695. *Die Jovis, 7 Decembris, 1695.* A Petition of Nicholas Bacon, and Hugh Goddard, Esqs. and others, setting forth, That the Petitioners are Inhabitants and Freemen of the

the said Burrough, and thereby are qualified to give their Voices for Members to serve in Parliament for the said Burrough: That in the Choice of *Anthony Sturt*, and *John Venables*, Esqs. to serve in this present Parliament, there were very undue and corrupt Practices used, by which (as the Petitioners conceive) they are unduly elected, and ought not to serve as Members for the said Burrough; and praying that the House will examine the said Matters and Corruption, and that the Petitioners may be suffered to prove the same; was read and referred, but nothing further done therein.

Die Jovis, 22 Decembris, 1698. *George Pitt*, Esq; being chosen a Burgess to serve in this Parliament for *Stockbridge*, and also a Burgess for the Burrough of *Wareham*, made his Election to serve for *Wareham*. And, 1698.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgess to serve for the Burrough of *Stockbridge*, in the room of the said *George Pitt*, Esq;

Comitatus de Suffolk.

D*IE Martis, 1 Aprilis, 1690.* A Petition of *Sir John Playters*, Bar. setting forth, 1690.
That he was elected, by the majority of legal Votes, for the said County of *Suffolk*, but by several indirect Practices, in making several Hundred of Freeholders, since the Teste of the Writ, and polling such Voices as were not qualified, they having no Freehold in the said County, *Sir Samuel Barnardiston* hath obtained himself to be return'd; and praying the Consideration of the House in the Premises; was read and referred. But I cannot find any thing further done therein.

Burgus de Sudbury, in Com' SUFFOLK.

D*IE Jovis, 2 Octobris 1690.* *Ordered*, That Mr. Speaker do issue his Warrant to 1690.
the Clerk of the Crown, to make out a new Writ, for the Election of a Burgess to serve in this present Parliament, for the said Burrough, in the room of *Philip Gourdon*, Esq; decess'd.

Die Luna, 12 Decembris, 1698. *Ordered*, That Mr. Speaker do issue his Warrant 1698.
to make out a new Writ, for electing a Burgess to serve in this present Parliament, for the said Burrough of *Sudbury*, in the room of *Sir Thomas Barnardiston*, Knt. decess'd.

Die Luna, 27 Februarii, 1698. A Petition of *John Catesby*, and *William Cook*, Gentlemen, and others, Free-Burgesses of the said Burrough, on behalf of themselves, setting forth, That *Sir Gervas Elwes*, and Mr. *Gourdon*, stood Candidates at the Election of a Burgess to serve in this present Parliament, for the said Burrough, in the room of *Sir Thomas Barnardiston*, deceased; and Mr. *Gourdon*, by Bribery, and other Practices, procured himself to be returned, in wrong to the Petitioners; and praying Relief in the Premises; was read and referred.

Die Jovis, Februarii 1, 1699. *Ordered*, That Mr. Speaker do issue his Warrant 1699.
to the Clerk of the Crown, to make out a new Writ, for electing a Burgess to serve in this present Parliament, for the said Burrough of *Sudbury*, in the room of *Samuel Keckwich*, Esq; decess'd.

Die Veneris, 14 Februarii, 1700. A Petition of several Freemen of the said Burrough, on behalf of themselves, and many other Freemen of the said Burrough, complaining of an undue Election and Return for the said Burrough; was read and referred to the said Committee. 1700.

Comitatus de Surrey.

1695. **D**IE Luna, 25 Novembris, 1695. A Petition of *Edward Harvey*, Esq; setting forth, That at the Election of Knights of the Shire, for the County of *Surrey*, to serve in this present Parliament, *Sir Richard Onslow*, *Denzil Onslow*, Esq; and the Petitioner, stood as Candidates to be elected, and the Petitioner had the majority of Voices, such as had Right to poll, and ought to have been returned as one of the Knights of the Shire, together with the said *Sir Richard*, but the High-Sheriff of the said County hath returned the said *Denzil Onslow*, Esq; in wrong to the Petitioner, and praying the Consideration of the House in the Premises; was read, and referred to the Committee of *Privileges and Elections*.

Report. *Die Jovis*, 16 Januarii, 1695. Mr. Solicitor General reported from the said Committee the Case of the said Election, *vis*.

That upon the Petition of *Edward Harvey*, Esq; complaining of an undue Return for the County of *Surrey*. The Committee appointed a Day for hearing the merits of that Election.

That Council on both sides being called in, the Petitioner objected to several of the sitting Member's Voters, as no Freeholders; but it being insisted on behalf of the sitting Member, that the Exception ought not now to be received, they having, at the time of the Election, sworn themselves to be Freeholders; and the Council thereupon withdrawing, the Committee came to this *Resolution*.

Resolved, "That it is the Opinion of this Committee, The Evidence ought not to be admitted to disqualifie an Elector as no Freeholder, who at the Election swore himself to be a Freeholder.

And the Council being called in again, and acquainted with the said *Resolution*, the Petitioner's Council said, That what other Exceptions they had, would not reduce the Votes for the sitting Member, so as to give the Petitioner a majority. And,

That thereupon the Council being again withdrawn, the Committee came to this *Resolution*.

Resolved, "That it is the Opinion of this Committee, That *Denzil Onslow*, Esq; is duly elected a Knight to serve in this present Parliament, for the County of *Surrey*.

The said *Resolutions* being read a second time, were, upon the Question severally put thereupon, agreed unto by the House. And see,

Die Veneris, 17 Januarii, 1695. *Ordered*, That leave be given to bring in a Bill for punishing of such as shall forswear themselves before the Sheriff at Elections of Knights of the Shire; and that *Sir William Cowper*, and Mr. *Bowyer*, do prepare and bring in the Bill.

Die Luna, 20 Januarii, 1695. *Ordered*, That it be an Instruction to the Members appointed to prepare and bring in the said Bill: That they do bring in a Clause to compel the Sheriff to administer an Oath to the Electors, that they are Freeholders, if the Candidates require the same. Also,

That they do bring in a Clause for preventing Inconveniencies by the Sheriff's adjourning the County-Court. Also,

That they do bring in a Form of an Oath, to be administered by the Sheriff, to the Freeholders. Also,

That they do bring in a Clause to compel the High-Sheriff, upon receipt of the Writ for electing Members to serve in Parliament, to send Precepts forthwith to the several Burroughs, without any Fee or Reward for the same.

See *Die Martis*, 14 Februarii, 1695. The Bill was read a second time, and ordered to be committed; and a Motion being made, and the Question put, That it be committed to a Committee of the whole House. It passed in the Negative; and it was committed to a select Committee.

And a Motion being made, and the Question proposed, That the Committee have power to receive a Clause, That all Elections of Members to serve in Parliament be by Ballotting.

The previous Question was put, That that Question be now put.

And it passed in the Negative.

But, *Note*, This Bill, though it passed both Houses, had not the Royal Assent.

Die Martii, 15 Aprilis, 1696. A Motion was made, and the Question put, That whosoever advised his Majesty not to give the Royal Assent to the Bill, *For further regulating Elections of Members to serve in Parliament*, (which passed both Houses) is an Enemy to the King and Kingdom.

The House divided. The Yeas go forth,

Tellers, { Mr. Bromley, } Yeas, 70.
 { Mr. Tredenham. }

Tellers, { Mr. Heveningham, } Noes, 219.
 { Mr. Norris. }

So it passed in the Negative.

Comitatus de Suffex.

DIE Sabbati 30 Novembris, 1625. A Petition of *Robert Orme, Esq;* setting forth, 1695.
That by reason of several undue practices done by *Francis Wyat, Esq;* high Sheriff of the County of *Suffex*, and several others, on the behalf of *Sir John Pelham* and *Sir William Thomas* before, at the Election of Knights of the Shire to serve in this present Parliament for the said County, the said High Sheriff hath returned the said *Sir John Pelham*, and *Sir William Thomas*, as duly elected, in prejudice of the Petitioner, who stood as a Candidate at the said Election, and praying that the House will take the Premises into Consideration; was read and referred.

Die Sabbati 7 Martii, 1695. Ordered, That *Mr. Orme* have leave to withdraw his Petition, touching the Election for the said County of *Suffex*.

Die Veneris 23 Decembris, 1698. Mr. Speaker acquainted the House, that he had 1698.
received a Letter from *Sir William Thomas*, who is very ill of the Gout, that he being elected a Knight for the County of *Suffex*, and also a County Baron for the Port of *Seaford*, makes his Election to serve for the County of *Suffex*; and ordered a new Writ for electing a Com-Baron for the said Port of *Seaford* in his room.

Burgus de Tamworth, in Com' WARWICK.

In Great Domesday Book, under Title Terra Regis in Warwicscire, is this Entry, *Great Domesd. fo. 238. a.*
viz. Rex tenet *Coleshelle*, &c. Et in *Tameworde* sunt decem Burgenses huic Mannerio pertinentes. That is, paid their Customs and Services to the Lords of that Mannor.

DIE Luna 24 Martii, 1689. A Petition of *Thomas Guy, Esq;* setting forth, That 1689.
he was duly elected for the said Burrough, but the Bailiff thereof, by divers undue practices, declared *Sir Henry Gough* to be duly elected, tho' the Petitioner had the majority of legal Votes, and hath since returned the said *Sir Henry* with *Mr. Bidulph*, in prejudice to the Petitioner, &c. was read and referred.

Die Luna 12 Decembris, 1698. A Petition of *Sir Henry Gough, Knt.* setting 1698.
forth, That at the Election of Burgesses to serve in this present Parliament for the said Burrough, the majority of Voters duly qualified were for the Petitioner, and he ought to have been returned, but the Bailiff of the said Burrough refusing to Poll the Petitioner's due Voters, and admitting others unqualified to Poll against him, by adjourning the Poll when several Voters for the Petitioner demanded to be polled, without the Petitioner's consent, and by other undue practices, returned *John Chetwind*, and *Thomas Guy, Esqs;* as Burgesses, in wrong to the Petitioner, and praying the House to take the Premises into Consideration, was read and referred.

Burgus de Tavistock in Com' DEVON.

1689. **D**IE Luna 24 Martii, 1689. A Petition of *Ambrose Mannaton*, Esq; That the 8th of March last he was duly elected for the said Burrough by the majority of legal Voters, and an Indenture was by them executed for his Return, and tendred unto *David Serjeant*, Sen. the Port-Reve, but he refused to make the said Return, and hath taken upon him to Return *Sir Francis Drake*, Baronet, who was not duly elected, in prejudice to the Petitioner, was read and referred. And the next Session, viz.
1690. **D**ie Luna 6 Octobris, 1690. Mr. Mannaton renews his Petition, That on the 8th of March last was the Election for the said Burrough of Tavistock, whereat he was elected by the majority of legal Voters, and an Indenture was by them executed for his Return, and tendred to *David Serjeant* the Port-Reve, but he absolutely refused to make the said Return, and hath taken on him to Return *Sir Francis Drake*, &c. read and referred.
1691. **D**ie Jovis 22 Octobris, 1691. Mr. Mannaton again Petitions the House, setting forth, That on the 8th of March, 1689. he was duly elected for the said Burrough, but the Port-Reve refused to return an Indenture thereof executed by the Electors, but return'd *Sir Francis Drake*, in injury to the Petitioner; read and referred.
- D**ie Luna 7 Decembris, 1691. Ordered, That the Reports from the Committee of Privileges and Elections touching the Elections for the Burroughs of Tavistock and Dunwich, be made to morrow Morning after the other Reports of Elections. And
- D**ie Martis 8 Decembris, 1691. Mr. Serjeant Trenchard Reported from the Committee of Privileges and Elections, the Case of the Election for the said Burrough, referred to the said Committee upon the Petition of *Ambrose Mannaton*, Esq; against the Return of *Sir Francis Drake*, Knt. viz.
- That the Right of Election appeared to be in the Freeholders of Inheritance inhabiting within the said Burrough.
- The Petitioner called *Nicholas Rowe*, who produced a Poll which he said he took by consent of the Port Reve, that upon this Poll *Sir Francis Drake* had 39, and Mr. Mannaton, 36.
- That *Sir Francis Drake* did call to others to Poll, but the said Rowe took no notice of them, one being an Infant of about 12 Years, and the other was no Inhabitant.
- The Petitioner insisted, he could disqualify 19 of *Sir Francis Drake's* Voters, and called one *Whitechurch*, who testified, that *Thomas*, *Robert*, *John* and *Stephen Harvey*, had no Estate in their Rights, but had Estates granted them by one *Williams*, to make them Voices upon the former Election.
- That *Travell* and *Hodgekin* had Freeholds granted them in the Reign of King *James*, but never voted till this Election.
- That *Walter Edmonds*, sen. and *Walter Edmonds*, jun. produced their Deeds at the Election of Mr. *Russel*, and that they were but for Years, that *White* was an Infant, and *Grindy* a Tenant only per Curtesy.
- That *Shellabere*, *Shear*, and *Bennet*, were Trustees.
- That *Perrington*, upon a Purchase, could not make a good Title.
- That *James Hockadey* had Mortgaged in Fee.
- That *Daniel Frost* lived under his Father, and his Father voted.
- That *John Frost* and *George Pearse* had no Estates.
- That *Richard Doidges* Father, since the Election, had made an Estate for 3 Lives. On behalf of *Sir Francis Drake*, were called, viz.
- Edward Seagar*, who said, that he was the only Person employed by the Port-Reve to take the Poll, and upon the Poll *Sir Francis* had 39, and the Petitioner 34.
- John Cunningham* and *Stephen Harvey* said, that *Thomas Harvey*, sen. was always reputed a Freeholder, and produced a Feoffment to him from *Abraham Harvey*, dated the 30th of October, 36 Car. 2.
- That *Thomas Harvey*, jun. had an Estate in Fee Simple, and produced a Feoffment made him from *Dawdney Williams*, dated the 11th of October, 36 Car. 2. and a Feoffment from *John Warvey* to *Thomas Warvey*, dated the 1st of August 4 Jac. 2.

That

That *Stephen Harvey* had voted in former Elections, and *John Harvey* said he had seen his Deed.

James Leer said *Henry Farwell* was a Freeholder of Inheritance, and produced a Lease and Release from *Richard Cudlip*, and *Richard Abott*, to him and one *Everard*, the Release dated the second of February, 34 Car. 2.

Steven Harvey said, *Robert Hodgefon*, and *Humphry Hodgefon*, were reputed Freeholders, and produced a Lease and Releases to *Robert Hodgefon* from *Dawdney Williams*, the Releases dated the 20th of February 34 Car. 2.

And the like for *Humphry Hodgefon*, and produced a Conveyance by way of Lease and Release from *Moses Gascot* to *Walter Edmonds*, sen. the Releases dated second of May, 1677. and said,

That he had seen *Walter Edmond's* Deed.

The Infant and Tenant per Courtesy, were waved by *Sir Francis Drake*.

Cunningham said, *Shellibere*, *Bennet*, and *Shears*, were Freeholders in Possession, and produced Conveyances by way of Lease and Release to *Shellibere* and *James Leer*, the Releases dated the second of March 34 Car. 2. and a Feoffment from *Mary Waller* to *Bennet*, dated the 29th of September 4 Jac. 2. and the like for *Sheer*.

That he knew *Penington* to have a good Estate from his Father, and produced a Conveyance upon Marriage, dated the 8th of June, 1658.

That *James Hockadey*, tho' he had Mortgaged to *Davy*, *Davy* had not Entred, and produced a Feoffment from *Emanuel Frost* to *Daniel Frost*, dated the 1st of December 30 Car. 2.

Stephen Harvey said, that *Trout* and *Perris* have been admitted Tenants in Court, and no objection was made to them at the Election.

Cunningham said, that *Richard Doidge* was admitted Tenant in Court.

Then on behalf of *Sir Francis Drake* the following Exceptions were taken to the Petitioner's Voters.

Cunningham said, that *William Corbin* claimed only under a Will, whereby Lands were given to his Wife, and produced a Copy of the Will.

The like Exception to *Charles Sweet*, but it was answered that he had married a Wife that had Lands of Inheritance, and that she was living. An Exception that *Thomas Doidge* had but an Annuity of 5 l. for Life; Answer, that he had voted always, and had 10 l. per Annum. Also

Exception, That *Thomas Wyat* had but an Estate for Years; Answer, 'Twas to him and his Heirs. Exception, That *Vosper*, Clerk, and *Wilcox* lived out of Town; Answer, *Vosper* and *Willcox* lived in Town, Clerk admitted no Vote.

Exception, That *John Doidge* was not 21 Years Old, and that *Henry Madicot* voted by Proxy, not answered.

Burgefs and *Harvey* said, that *Edward Farwell*, *Samuel Gill*, *Robert Williams*, *John Clerk*, and *Martin Sowton*, were made Freeholders but a little before the Election, and after the Test of the Writ, and that *Willisford* offered to make him a Freeholder if he would Vote for Mr. Mannaton.

A Release was produced to *Farwell* from *Willisford*, dated the 7th of January, 1689. and a Conveyance to *Williams*, dated the 2d of October. 1689.

Doidge said he saw *Gill's* Deed, which bore Date before the last Parliament was Dissolved.

And upon the whole matter, the Committee came to the following Resolution, viz.

"That *Sir Francis Drake*, Baronet, is duly elected a Burgefs to serve in this present Parliament for the Burrough of *Tavistock* in the County of *Devon*.

To which Resolution the House, on the Question, agreed.

And *Sir Francis Drake* being return'd a Burgefs to serve both for the Burrough of *Tavistock*, and also for the Burrough of *Bereafston*, made his Election for *Tavistock*. Vide *Bereafston*.

Die Veneris 29 Novembris, 1695. A Petition of *Ambrose Mannaton*, Esq; setting forth, That on the 19th of October last the Petitioner was duly elected a Burgefs to serve in this present Parliament for the said Burrough, by the major part of Burgeffes who had a right to elect there, and who Signed and Sealed an Indenture, and tendered it to the *Port Reve* the proper Officer there, but he refused to receive the same, or to Return the Petitioner, but hath returned the Lord *James Russel* as a Burgefs to serve for the said Burrough, and praying that the House will take the Matter into Examination, and do therein as they shall think fit, was read and referred.

1695.

Die

Die Veneris 13 Martii, 1695. Collonel Granville Reported from the said Committee the Matter of the said Election, as it appeared to them, viz.

Upon the Petition of *Ambrose Mannaton, Esq;* complaining of an undue Election of the Lord *James Russel*, for the said Burrough of *Tavistock*, the Committee appointed a day for the hearing of the matter of that Petition.

That for Mr. *Mannaton* to prove the Right of Election, was produced as Witnesses,

John Bourne, who said, he had known *Tavistock* ever since the Restauration of King *Charles the Second*, and had been at 7 or 8 Elections, and that the Right of electing was always in the Freeholders of Inheritance in Possession, inhabiting within the said Burrough.

That he also produced a Poll which he said he took by order of the *Port-Reve*, by which the Petitioner had 70 Votes, the Lord *James Russel* only 29.

That against this matter of Fact, the Lord *James Russel* did not think fit to make any Defence.

So the Committee came to these Resolutions, viz.

"That the Right of electing Burgesses to serve in Parliament for the said Burrough of *Tavistock*, is in the Freeholders of Inheritance in Possession, inhabiting within the said Burrough.

"That the Lord *James Russel* is not duly elected a Burgess to serve in this present Parliament for the said Burrough of *Tavistock*.

That *Ambrose Mannaton* is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Tavistock*.

The said Resolutions being severally read a second time, were, upon the Question severally put thereupon, agreed unto by the House.

Ordered, That the Clerk of the Crown do attend this House to morrow Morning to amend the said Return. And accordingly,

Die Sabbati 14 Martii, 1695. The Clerk of the Crown attended, and amended the said Return, by rasing out the Name of the Lord *James Russel*, and inserting the Name of *Ambrose Mannaton, Esq;* in the room thereof.

Mr. *Ambrose Mannaton* being elected to serve in this present Parliament as a Burgess for the said Burrough of *Tavistock*, and also for the Burrough of *Camelford*, made his Election for the Burrough of *Tavistock*. And a new Writ ordered for *Camelford*, *Vide, ibid.*

1696. *Die Martis 20 Octobris, 1696.* Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Ambrose Mannaton, Esq;* deceased.

Die Mercurii 25 Novembris, 1696. A Petition of *Henry Mannaton, Esq;* was presented and read, complaining of an undue Election and Return for the said Burrough. And referred to the Committee.

Die Martis 29 Decembris, 1696. Ordered, That *Francis Cunningham* do attend the Committee of Privileges and Elections upon Monday the 11th of January next at 3 in the Afternoon, to testify his knowledge touching the late Election of a Burgess to serve in Parliament for the said Burrough of *Tavistock*.

Die Veneris 15 Januarii, 1696. Ordered, That the Report from the said Committee, touching the Election for the said Burrough, be made upon Tuesday morning next. But,

Die Martis 19 Januarii, 1696. Ordered, That the said Report be made upon this Day Sevensnight. And,

Die Martis 26 Januarii, 1696. Ordered to be on Friday Morning next.

Die Veneris 29 Januarii, 1696. Ordered to be on Thursday Morning next. And

Report.

Die Jovis 4 Februarii, 1696. Collonel *Wharton* accordingly Reported, the Matter touching the said Election, as it appeared to the said Committee, viz.

Upon the Petition of *Henry Mannaton, Esq;* complaining of an undue Election and Return of Sir *Francis Drake*, Baronet, to serve for the said Burrough of *Tavistock*, the Committee have examined the Merits of that Election.

That for the Petitioner to prove the Right of Election, was produced a Resolution of the House, 13 Martii, 8th Year of his present Majesty, upon the Petition of *Ambrose Mannaton, Esq;* against the Lord *James Russel*, by which it was Resolved,

That the Right of electing Burgesses to serve in Parliament for the said Burrough, is in the Freeholders of Inheritance inhabiting within the said Burrough.

And the Council for the Petitioner insisted, that that being the last Resolution, the Right (according to the late Act of Parliament) could not now be Controverted.

But the Council for the sitting Member insisted, that that Act of Parliament did not bind the Parliament, but only appointed a Rule for the Officer to make the Return by; for that probably there might at some time be a feint Defence, or they whose Right was concerned, might not be Parties, or heard; and so it was not reasonable to construe that Act to bind the present Parliament, but that they might determine the Right different from the former Resolution; and they insisted, That the Right is in the Freeholders of Inheritance in Possession, inhabiting within the said Burrough, who were present at the Court.

They further observed that in the Case cited before, between Mr. Ambrose Mannaton, and the Lord James Russel, the Lord Russel made no Defence.

That the Members upon the Poll were agreed to be thus,

For { Sir Francis Drake, ————— 31.
Mr. Mannaton, the Petitioner, ————— 57.

But the sitting Member insisted, that the major part of the Petitioner's Voters were not qualified.

That to prove the Right of Election, the sitting Member produced several Witnesses.

Richard Doidge, who said he had known Tavistock above 40 Years, James Steer, who said he had known it above 30 Years, and they had been at several Elections, and always looked upon it as a necessary Qualification, to entitle any Freeholder to Vote, to be presented by the Jury of the Trade to the Law Court there; and that upon the Contell formerly between Sir John Davis, and the Lord Russel, Sir John Davis had a great majority upon the Poll, but the Lord Russel Petitioned the House, and carried it, upon the Point that he had the majority of those that were presented. And

John Cunningham, and James Harvey, who also said, that they had been present at several Elections, and did not look upon any to have a right, unless they were presented, and Harvey said, that 25 or 26 of those that were presented were for the sitting Member, and not above 8 or 9 for Mr. Mannaton.

That about 16 of those that voted for Mr. Mannaton, were made by one Whitchurch out of 3 Tenements.

Walter Shellaborn said, that Whitchurch purchased of one Garland for 20*l.* and told him that it was Mr. Mannaton's Mony, and that of the Persons that bought of Whitchurch, some of them were poor Men, and did not pay Scot and Lot, and one of them said he did not know where his Purchased Estate lay.

That upon the Estate bought by Whitchurch, there was a long Lease, and about 3*s.* 4*d.* Rent reserved, and 11 Persons that voted for the Petitioner, viz. John Crafts, William Gill, Peter Westcot, Thomas Southall, Arthur Keck, Walter Spiller, Edward Pike, Bartholomew Gill, Peter Rowe, William Gill, jun. and Gilbert Noble, were made Freeholders by Whitchurch out of the said Purchase.

John Burgate said, that a little before the late Election of the Lord James Russel, Whitchurch told him he had bought Land of Kelly and Garland to make Voices for Mr. Ambrose Mannaton, and desired him to be for the said Mr. Mannaton, and offered him some Land, and told him he should have a Deed to shew for it, and did not demand any Mony for it.

John Cunningham, and James Harvey said, that John Toller voted for a Garden belonging to Mr. Cudlip's House, which Cudlip voted for Sir Francis Drake.

That John Rowe and Bevil Rowe have only a Freehold in Right of their Wives.

That John Moon was made by Whitchurch.

That Henry Farwel was made by Wife, and is a split Voice.

That Richard Ford voted for part of a Garden out of the Burrough.

That Richard Gerry refused to shew his Deed.

That Andrew Doidge is poor, and pretends to part of a Garden.

That Robert Williams's was but a little thing, and he was bound to surrender it.

That John Burne was a poor Man, and another receiv'd the profits.

That Thomas Wood's Family was in the Country at the time of the Election.

That William Hutchins pretends only to part of a Garden.

That Henry Minson, and Benjamin Serjeant have but one Estate between them, and their Father has the Possession of it.

Burgus de Tavistock.

That *Sweet*, *Hodge*, and *Harvey* were always rejected, because the Estate was in their Mother.

John Clark, and *Martin Sowton*, were waved by the Petitioner.

That *Samuel Charter*, sen. and jun. and *Thomas Foot*, received but a Pepper Corn Rent between them.

That *Francis Cunningham*, *William Candy*, and *Edward Ward*, voted for the Reversion of a small House and Garden which they had jointly with one *George Benner*, but they had voted in some former Elections.

That *Thomas Wyat* voted before, but his was proved before the Committee formerly to be only a long Lease.

That *Fartwell* pretends to a quarter part only of a small Garden.

That *Henry Minson* bought an Estate, which is divided into 3 parts, one of which *Sarjeant* has, the other his Son.

That *Nicholas Penrose* pretended to one moiety of a small Garden.

William Spry said, that *William Doidge*, who voted for Mr. *Mannaton*, told him that he had made 30 sham Voices, and that *John Hooper* and *John Crew* were 2 of them, and that about 24 or 25 of them voted in this Election.

That *Elias Harvey* pretends to the moiety of a House, and has the report of a sham Man.

That *Kelly* told Sir *Francis Drake*, that he had the Inheritance of the Estate sold to *John Cooper* and *Crow*, and that Mr. *Ambrose Mannaton* paid to *Whitchurch* the Money for it.

That for the Petitioner, by way of Reply, the Council endeavoured to make good the Right as they opened it, to justify several of their Voters, and to take off some that voted for the sitting Member.

That to prove the Right they called *Francis Cunningham*, who said that he had known *Tavistock* 20 Years.

William Doidge said he had known it as long.

Robert Williams said he had known it 22 Years.

Richard Tucker said he had known it 30 Years.

John Whitchurch and they severally said, that they did not think it necessary for Persons to be alienated (so they called there by being presented by the Jury, and admitted at the Court) and that little notice had been taken of it till of late, and that some Persons had been refused to be alienated, particularly *Samuel Carter*, because he would not pay 4s.

And *William Doidge* denied that he had shewn *Spry* any such List as he had testified.

And *Robert Williams* said, that *William Doidge* the 6th of September, sometime before his being *Port-Reve* said, that he should be *Port-Reve* shortly, and then Mr. *Mannaton* might throw his Cap; and *Williams* said, that *John Cunningham* sent for him, and desired him to be for Sir *Francis Drake*, and told him he should get 10l. by it.

That to justify the Petitioner's Voters excepted to, they called,

John Whitchurch, who said that he had bought an Estate of *Garland*, which cost him six Score Pounds, and another of three Tenements, a Tan-Yard, and two Herb-Gardens: That indeed there was a Lease upon them, but the Estates in possession were worth 10l. a Year; that he did not sell at the instance of Mr. *Mannaton*, but divided the Estate in sale for his own Convenience, and was paid for it; and that the Sale was before the former Parliament. That there had been admitted Voices that had but 6d. a Year.

William Doidge said that *John Teller* had voted before he sold his House.

That *Cunningham* bought his Estate of one that voted before; and that *Candy* and *Ward* had voted for 12 or 14 Years.

To prove *John Rowe's* and *William Doidge's* Estate, they produced a Deed dated the 3d of October, 7 Gul. whereby it was covenanted by *Rowe* and his Wife, to levy a Fine to *Rowe* and his Heirs, of a Moiety of a Tenement.

There was also produced a Deed to the same purpose for *Bevil Rowe*, dated the 15th of October, 7 Gul. and a Fine levy'd last Michaelmas Term.

As to *Nicholas Penrose*, they produced a Release of the 6th part of a Messuage, dated the 14th of July, 7 Gul.

As to *Richard Sowton*, they produced a Lease and Release of a Garden, 4th and 5th of October, 1695.

Thomas Kelly said he had married an Heiress.

As to *Andrew Doidge*, they produced a Lease and Release, dated 23d and 24th of *October*, 6 G. & M. of a Garden.

As to *John Hooper*, they produced a Lease and Release, dated 2d and 3d of *April*, 7 Gul. of two Houses, and two Gardens, to *John Cruse*, *John Hooper*, and *Daniel Calamy*.

As to *Robert Williams*, they produced a Lease and Release of a Moiety of a Garden, dated the 2d of *October*, 1689.

Doidge said, that as to *Henry Farwel*, he had heard his Father say, That he had the Land.

Crafs said, *Wood* came to be an Inhabitant in *Tavistock*, a Fortnight after *St. James-Tide*.

As to *Elias Harvey*, it was agreed he was a Voter by *Whitchurch*, and was one of the Eleven.

As to *John Moone*, it was agreed he was made a Voter by *Whitchurch*, and was one of the Eleven.

As to *Edward Farwell*, it was agreed he was made a Voter by *Whitchurch*, and was one of the Eleven.

As to *William Gill*, it was agreed he was made a Voter by *Whitchurch*, and was one of the Eleven.

As to *Peter Westcot*, it was agreed he was made a Voter by *Whitchurch*, and was one of the Eleven.

As to *Henry Minson*, was produced a Release of a Garden, 11 Feb. 7 Gul.

As to *Sweets*, the Inheritance was admitted to be in his Wife.

Richard Tucker said that *John Hodges's* Garden was always reckon'd within the Burrough, and to that purpose produced a Deed the 6th of *July*, 7 C. 2.

As to *Thomas Southall*, *Arthur Cake*, and *John Rowe*, they were allowed to be of the Eleven made by *Whitchurch*.

Thomas Doidge was admitted to have no Freehold but in Right of his Wife.

Walter Spiller, and *Peter Rowe*, were admitted to be made by *Whitchurch*.

Bartholomew Gill was not insisted on.

As to *Pyke*, he produced a Release of half a Garden, 4 *October*, 6 *Willi.* but *Pyke's* Name was rased through the whole Deed.

That then the Petitioner attempted to take off some of *Sir Francis Drake's* Voters, and *John Bannick* was not insisted on.

Doidge said that as to *John Wyat*, he told him about a 12 Month since, that he had sold his Estate for 7 l.

Francis Cuninghame said that *John Tapson*, a Fortnight before the Election, said he had bought *Harvey's* Land, but should have his Money again after the Election.

Robert Williams said that *Trout* said he had his Land only to serve a Turn; but *Trout* has been *Port-Reve*.

That *Robert Hudson* told *Williams*, he had no Land.

Francis Cuninghame said that the *Port-Reve* last Year told him he got 100 l. worth of Timber by signing the Lord *James Russel's* Indenture.

That the fitting Member, by way of Replication, called,

James Harvey, who said *Carter* was refused to be admitted, because he had made out no Title.

Leer said that *Wyat* had sold him no Estate; and that the Timber that was given to the former *Port Reve*, was only for building a Barn, (he being Tenant to the Duke of *Bedford*) and believes was less than was used upon that occasion; and the then *Port-Reve* himself being called, testified the same thing, and that there was no Respect in that matter to the Return of the Lord *James Russel*.

And that upon the whole matter, the Committee came to these Resolutions, viz.

1. " That the Right of electing Burgesses to serve in Parliament for the said Burrough of *Tavistock*, is in the Freeholders of Inheritance in possession, inhabiting within the said Burrough, who have been, or shall be presented as such, by the Jury of Enquiry of the said Burrough.

2. " That *Sir Francis Drake*, Bar. is duly elected a Burgess to serve in this present Parliament for the said Burrough of *Tavistock*.

The first Resolution being read a second time, an Amendment was proposed to be made therein, by leaving out, [who have been, or shall be presented as such, by the Jury of Enquiry of the said Burrough.]

And the Question being put, that those Words stand part of the said Resolution.

The

Burgus de Tewksbury.

The House divided. The Noes go forth.

Tellers, { Sir Henry Colt, } Yeas, 196.
 { Sir Walter Young. }

Tellers, { Mr. Shackerly, } Noes, 86.
 { Mr. Brotherton, }

So it was Resolved in the Affirmative.

Resolved, " That the House do agree with the Committee in the said Resolution, " That the Right of electing Burgesses to serve in Parliament for the said Burrough of " *Tavistock*, is in the Freeholders of Inheritance in possession, inhabiting within the " said Burrough, who have been, or shall be presented as such, by the Jury of Enquiry of the said Burrough.

The second Resolution being read a second time, was, upon the Question put thereupon, agreed unto by the House.

Burgus de Taunton, in Com' SOMERSET.

Great
Domesday.
fol. 87. b.

In the greater Domesday-Book, under Sumersetsescire, for the Town or Burrough of Taunton, there is only mention of 64 Burgesses, which paid 32 Shillings to the King yearly; but there are noted many Privileges to belong to that Town, at the time of that Survey.

1689. **D**IE Luna, 24 Martii, 1689. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for a new Writ, for electing of a Burgess for the Burrough of Taunton, in the County of Somerset, in the room of Sir William Portman, deceased.

1695. *Die Veneris 6 Decembris, 1695.* A Petition of Henry Portman, Esq; That the Petitioner was duly elected by the majority of Voices to serve in this present Parliament for the said Burrough, yet Hugh Speke, Esq; by Bribery and other undue Practices, hath procured himself to be returned as a Member for the said Burrough, to the Petitioner's prejudice, and praying that the House will examine the Premises, and relieve him therein, was read and referred, but nothing further done therein.

Burgus de Tewksbury, in Com' GLOUCESTER.

1692. **D**IE Veneris 4 Aprilis, 1692. Being the 4th Session of the 6th Year's Parliament, Ordered that Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Sir Henry Capel, Knt. called up to the House of Peers.

1695. *Die Luna 2 Decembris, 1695.* A Petition of Sir Richard Cocks, Baronet, setting forth, That at the Election of Burgesses to serve in this present Parliament for the said Burrough, many undue Practices were used by Sir Francis Winnington and his Agents against the Petitioner, and those that intended to Vote for him, not only by threatening those that had voted for the Petitioner to turn them out of their Houses, if they did not withdraw their Votes, but also by detaining the Town Book, wherein all the Names of the Freemen are entred that had a right to Vote; that though the Petitioner had the greater number of legal Votes, yet the Sheriff hath returned the said Sir Francis Winnington, and praying the House to take the Premises into Consideration; was read and referred, but nothing further done therein.

Burgus de Thetford in Com' NORFOLK & SUFFOLK.

In Little Domesday-Book under the Title *Norfolk*. Hundred de Tetford, Terra Regis in Tetford, &c. After an estimate made of the Lands and Mills belonging to the King, and to the Earl or Sheriff. It follows thus, viz. In Burgo autem erant 944 Burgenſes tempore Regis Edwardi. De his Rex omnem conſuetudinem habet. De iſtis hominibus erant 36 ita Dominici Regis Edwardi ut non poſſent eſſe homines cujuſlibet ſine licentia Regis: Alii omnes poterant eſſe homines cujuſlibet, ſed ſemper tamen conſuetudo Regis remanebat præter Herigete modo ſunt 720 Burgeſſes, & 224 Manſuræ vacuæ, de iſtis Burgenſibus 21, habent 6 Carucatus & 40 Acres, quas tenent de Rege, &c.

In the Chapel of the Rolls is the following Return of 1 Maria for Thetford, in Norfolk. Hæc Indentura Teſtatur, &c. Quod Major, Burgenſes, & alii homines de communi concilio & congregatione dicti Burgi, una voce elegimus conſecimus ordinavimus & in loco noſtro poſuimus, &c. In cujus rei Teſtimonium, nos Major & Burgenſes ſigillum noſtrum commune apponi fecimus.

And the ſame Return is in the firſt Year of Queen Elizabeth, the Burgeſſes Names only excepted.

DIE Mercurii 17 Junii, 1685. The Chairman of the Committee of Privileges and Elections reported from the ſaid Committee, the Caſe of an Election for the ſaid Burrough of Thetford, in the Caſe between Sir Joſeph Williamſon, and Mr. Heveningham. The firſt being choſen by the Mayor, Burgeſſes and Commonalty of Thetford, and the other choſen by ſome of the forementioned Electors, and alſo by the major part of the Freemen of the Town. Wherein it was reſolved by the Committee as their opinion.

“ That the Right of Election is in the Mayor, Burgeſſes (which are 10) and in the Commonalty or Common Council (which are 20) amounting in the whole to 31.

Reſolved, That this Houſe doth agree with the Committee in the ſaid Reſolution, & That the Right of Election for the ſaid Burrough of Thetford is in the Mayor, Burgeſſes (which are 10) and in the Commonalty or Common Council (which are 20) amounting in the whole to 31.

Die Veneris 28 Martii, 1690. A Petition of William Harbord, Eſq; and Sir Francis Guybon, Knight, ſetting forth, That the Petitioners were duly choſen, and an Indenture thereof was made by Edward Roſewell the lawful Mayor by the virtue of the old Charter; but that one Tyrrell, who pretends to be Mayor by virtue of the new Charter (upon the ſurrender of the old) having gotten the Precept has made an Indenture and Return of Sir Joſeph Williamſon, and Adam Felton, Eſq; tho' not duly choſen, and praying the Merits of the Election and Return may be heard together, &c. Read and reſerr'd.

Die Mercurii 20 Aprilis, 1690. Ordered, That the Report from the Committee of Privileges and Elections, touching the double Return and Election of Burgeſſes for the Burrough of Thetford, in the Counties of Norfolk and Suffolk, be made upon Friday Morning next, ſed quere. For

Die Sabbati 3 Maii. Mr. Gray reported from the ſaid Committee, the ſaid Caſe of Report, the double Return and Election for the ſaid Burrough of Thetford, in the Counties of Norfolk and Suffolk, and the Reſolutions of the Committee thereupon, viz.

That it appear'd to the Committee, That William Harbord, Eſq; and Francis Guybon, Knight, were returned by Edmond Roſall, Mayor, under the old Charter of 16 Eliz. And that Sir Joſeph Williamſon, and Adam Felton, Eſq; were return'd by John Tyrrell, Mayor, under the new Charter. And that the Merits of the Election depended on determining which was the right Mayor. And, it was agreed, that the right of Electing was in the Mayor, 10 capital Burgeſſes, and 20 Common Council Men.

For Sir Joſeph Williamſon, and Mr. Felton, the Council inſiſted, That the Charter of 16 Eliz. granted to the Burrough of Thetford, and all other Charters and Immunities of the ſaid Burrough were ſurrendered, and produced a Copy of the Surrender, dated the 30th of January, 34 Car. II. and the new Charter of 34 Car II.

For Mr. Harbord, and Sir Francis Guybon, the Council insisted, That the Charter of 16 Eliz. was not duly surrendered nor agreed to be so by a Majority of the Corporation, and called several Witnesses who proved

That one Wormley Heibereft was elected Mayor; but John Wendham, the Mayor then in being, refused to swear him, upon which several Mandamuses issued out of the King's Bench to swear Heibereft. But, afterwards, the said Wendham, upon this occasion, by disfranchising three old Members, and admitting two new ones (whereof his own Son, a young Man about 17 or 18 Years of Age was one, and one Hobbs, who had not used to come to Church; but upon this occasion received the Sacrament in a profligate manner by spitting the Bread out of his Mouth, the other) procured a bare Majority for surrendering the Charter.

As to the electing a Mayor for Thetford, the manner is thus: viz. The Common Council propose two capital Burgeffes to the Inhabitants, out of which they elect the Mayor. And in case of the Death or Removal of a Mayor, the Persons, who have the right of Electing, have a Power within eight Days after to chuse another; which is to be sworn before the Recorder or his Deputy, and other capital Burgeffes, or the major part of them.

In the present Case one Harper was chosen Mayor, who dying soon after; and there being but two capital Burgeffes by the old Charter alive, the Common Council proposed to the Inhabitants the said Rosall, who chose him Mayor; and the Deputy-Recorder refusing to swear him, the said Rosall was sworn by one Tokes, an Attorney, in the presence of the Members of the old Corporation. Whereupon the Committee came to the following Resolutions, as their Opinion: viz.

" 1. That the Charter of the 16th of Queen Elizabeth, granted to the Burrough of Thetford, is not duly nor legally surrendered.

" 2. That William Harbord, Esq; and Sir Francis Guybon, Knight, are duly returned and elected Burgeffes to serve in this present Parliament for the said Burrough of Thetford.

Both which Resolutions were agreed unto by the House. And Ordered, That the Clerk of the Crown do attend the House on Monday Morning next, to amend the Return for the said Burrough of Thetford.

Die Luna 5 Maii, 1690. The Clerk of the Crown attending accordingly was called in, and amended the Return for the said Burrough of Thetford, by taking off from the File the Indenture by which Sir Joseph Williamson, and Mr. Felton were returned.

See Die Martis 6 Maii, 1690. In Tit. Lancelston. And see ibid. 7 Maii.

Die Mercurii 7 Maii, 1690. Mr. Harbord having made his Election to serve for the Burrough of Lancelston, in the County of Cornwall. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for making out a new Writ for electing of a Burgeffs for the said Burrough of Thetford, in the room of the said Mr. Harbord.

1695. Die Sabbati 4 Januarii, 1695. Sir Joseph Williamson being elected a Burgeffs to serve in this present Parliament for the said Burrough of Thetford, and also for the City of Rochester, made his Election for the said City of Rochester.

Die Luna 6 Januarii, 1695. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing another Member to serve for this present Parliament, in the room of Sir Joseph Williamson, who hath made his Election to serve for the City of Rochester.

1698. Die Luna 12 Decembris, 1698. A Petition of Edmond Soam, Esq; setting forth, That at the late Election of Members to serve in this present Parliament for the said Burrough, Sir Joseph Williamson and the Petitioner had the majority of legal Voters. But Robert Candle, of Thetford, did refuse to Poll several that had a right to Poll for the Petitioner, and admitted others that had none to Vote. And by many partial Proceedings, and unlawful Proceedings, James Sloan, Esq; procured himself to be returned with Sir Joseph, in wrong to the Petitioner and the said Burrough, and praying such relief in the Premises as the House shall think fit. Was read and referred.

Die Veneris 6 Januarii, 1698. Mr. Speaker acquainted the House, That he had received a Letter from Sir Joseph Williamson, who is at the Hague. That he being chosen a Citizen for the City of Rochester, in the County of Kent, and also a Burgeffs of the said Burrough of Thetford, elects to serve for the City of Rochester.

1699. Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgeffs to serve in this present Parliament for the said Burrough of Thetford, in the room of Sir Joseph Williamson.

Die Jovis 16 Novembris, 1699. A Petition of Edmond Soam, Esq; complaining of an undue Election and Return for the said Burrough was presented to the House, and read and referred to the said Committee.

Die Sabbati 20 Januarii, 1699. Ordered, That the Report from the said Committee touching the said Election be made upon *Monday Morning* next. And accordingly,

Die Lune 22 Januarii, 1699. Sir Rowland Gwyn reported from the said Committee, the Matter as it appeared to them, specially touching the said Election, which he read in his Place, and afterwards deliver'd in at the Table, where the same was read.

Ordered, That the Merits of the said Election, together with the Matter of the said Report, be heard at the Bar of this House upon *Friday Morning* next.

Die Veneris 26 Januarii, 1699. Then the House proceeded to the hearing the Matter touching the said Election, and the Counsel for Edmond Soame, Esq; the Petitioner, and for James Sloane, Esq; (the sitting Member) were called in and heard, and several Witnesses examined on both sides, and then withdrew.

Resolved, "That James Sloane, Esq; in Treating the Corporation of Thetford, has been guilty of a Breach of the late Act of Parliament, For preventing Expences in Elections.

Then the Question being put, "That James Sloane, Esq; is duly Elected a Burgess to serve in this present Parliament for the said Burrough of Thetford,

It passed in the Negative.

Resolved, That the said Election is a void Election.

Ordered, That Mr. Speaker do issue out his Warrant, to make out a new Writ for the Electing a Burgess to serve in this present Parliament for the said Burrough of Thetford, in the room of James Sloan, Esq; who is adjudged to be unduly Elected.

Die Lune 19 Februarii, 1699. Resolved, That this House will upon *Saturday Morning* next (in a full House) take into Consideration the Act, For preventing Expences in Elections.

Ordered, That Mr. Sloane (as a Member of this House) do attend in his Place upon *Saturday Morning* next.

Ordered, That the Clerk of the Crown do attend this House upon *Saturday* next with the Writ and Return for the Burrough of Thetford, in the County of Norfolk.

Die Mercurii 21 Februarii, 1699. A Petition of Edmund Soame, Esq; was presented to the House and read, Complaining of the Return of James Sloane, Esq; a Burgess to serve in this present Parliament for the said Burrough (notwithstanding the Resolution of the House relating to him, and that the Petitioner was duly Elected) and praying the Consideration of the House thereof.

Ordered, That the said Petition do lie upon the Table until *Saturday Morning* next, when the Act against Expences in Elections is to be taken into Consideration, and the said Mr. Sloane is to attend.

Ordered, That the Act against Expences in Elections be taken into Consideration upon *Thursday* Sevenight, and that Mr. Sloan do then attend in his Place; and that the Clerk of the Crown do then attend with the Writ and Return for the said Burrough of Thetford. But,

Die Jovis 29 Februarii, 1699. Ordered, That the Act relating to Expences in Elections, be taken into Consideration upon to morrow Morning, and that Mr. Sloan do then attend in his Place. But,

Die Veneris 1 Martii, 1699. The same Order was again repeated to be to morrow Morning. And accordingly

Die Sabbati 2 Martii, 1699. The House proceeded to take into Consideration the Act made in the Seventh Year of His Majesties Reign, For preventing Charge and Expence in Elections of Members to serve in Parliament.

And the Petition of Edmond Soame, Esq; was read.

And the said Act was read.

And Mr. Sloane attending (according to Order) he was heard in his Place, and then withdrew.

And a Debate arising in the House upon the Construction of the said Act, upon Mr. Sloane's being again Chosen and Returned for the said Burrough of Thetford.

And the Question being put, That the said Mr. Sloane be capable of serving in this present Parliament for the said Burrough.

It passed in the Negative.

Ordered, That the Consideration of the said Petition of Mr. Soame be referred to the said Committee, and that they do examine the Matter thereof, and report the same with their Opinion therein to the House.

Burgus de Thirsk in Com' YORK.

1675. **D**IE Jovis 20 Maii, 1675. Sir Thomas Meers reports from the Committee of Privileges and Elections the state of the Case, and Evidence in the Election for the said Burrough of Thirsk, between Sir William Wentworth and Mr. Wharton; and that three Votes passed at the said Committee, which are as follows, viz.

1. Resolved, as their Opinion, That Sir William Wentworth is not duly Elected a Burgess to serve in this present Parliament for the said Burrough of Thirsk.

2. Resolved, as their Opinion, That Mr. Wharton is not duly Elected a Burgess to serve in this present Parliament for the said Burrough of Thirsk.

3. Resolved, as their Opinion, That the said Election for the Burrough of Thirsk is a void Election.

The first Vote being twice read, and the Question being put to agree with the Committee in the same, That Sir William Wentworth is not duly elected a Burgess to serve in this present Parliament for the said Burrough of Thirsk.

The House divided. The No's go forth.

Tellers { Sir Eliab Harvy } Yea's 113.
 { Mr. Stockdale }

Tellers { Sir Thomas Doleman } No's 146.
 { Mr. Spencer }

So it passed in the Negative.

And the Question being put, That Sir William Wentworth is duly elected a Burgess to serve in this present Parliament for the said Burrough of Thirsk.

It was Resolved in the Affirmative.

Burgus de Tiverton de Com' DEVON.

1691. **D**IE Martis 31 Martii, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgess to serve in this present Parliament for the said Burrough of Tiverton.

1695. **D**IE Mercurii 27 Novembris, 1695. The Lord Spencer being elected a Burgess for the said Burrough of Tiverton, and also for the Burrough of Heydon in the County of York, made his Election to serve for the said Burrough of Tiverton.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for Electing another Burgess to serve in this present Parliament for the Burrough of Heydon in the room of the Lord Spencer.

Burgus de Toriton in Com' DEVON.

Rot. Pat.
42 Edw. 3.
pars 1. m. 8.

In the eighth Year of King Edward the Third, the said Burrough of Toriton petitioned the King in Parliament to be discharg'd of sending Burgesses to Parliament, suggesting therein, That it was a great Trouble and Charge, and to their manifest Damage and Depression. Their Petition was granted, and the said Town and Burrough for ever after Exonerated and Excused from sending Members to Parliament; notwithstanding it had before that time sent Burgesses two and Thirty times.

Burgus

Burgus de Totness in Com' DEVON.

DIE Martis 1 Aprilis, 1690. Vide St. Matthes.

Die Mercurii 30 Novembris, 1692. Being the fourth Session of the six Years Parliament. Ordered, That Mr. Speaker do issue out his Warrant to the Clerk of the Crown, to make out a new Writ for Electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Sir John Towell, Baronet, deceased.

1690.

1692.

Die Veneris 29 Novembris, 1695. A Petition of Sir Richard Gipps, Kt. and James Bateman, Esq; setting forth, That at the Election of Burgesses to serve in this present Parliament for the said Burrough of Totness, Sir Edward Seymour, Bar. and Edward Yard, Esq; and the Petitioners stood as Candidates; and the Majority of Persons who had a right to Vote did choose, and were poll'd for the Petitioners: Notwithstanding which the Mayor of the said Burrough hath returned Sir Edward Seymour and Mr. Yard as Burgesses, in wrong to the Petitioner, and praying Relief in the Premises, was read and referred to the Committee.

1695.

Die Lune 2 Martii, 1695. Ordered, That the Report from the said Committee touching the Election for the said Burrough, be made on Wednesday Morning next. And accordingly,

Report.

Die Mercurii 4 Martis, 1695. Collonel Granville reported from the said Committee the Matter of the said Election, viz.

Upon the Petition of Sir Richard Gipps, Kt. and James Bateman, Esq; complaining of an undue Election of Sir Edward Seymour and Edward Yard, Esq; for the said Burrough of Totness, the Committee have examined the Merits of that Election.

That upon the Poll the Number were thus: For	{	Sir Edward Seymour	34
		Mr. Yard	35
		Sir Richard Gipps	10
		Mr. Bateman	4

But that for the Petitioners it was insisted, that 32 that had Right, and were for the Petitioners, were denied to be polled.

That the right of Election was in the Freemen inhabiting within the said Burrough, and that 10 that voted for the sitting Members were not so qualified.

Upon the Petitioners own Evidence four of the 32 were disfranchised, and as to the remaining 28, they were made Free under the late King James's Charter, so that their Freedom seem'd to depend upon the Validity of that Charter. And as to that Matter, it appeared to the Committee, That an Instrument of Surrender of the Charter of Totness had been made in King Charles the Second's time, but that Surrender had never been inroll'd. However, upon executing the Instrument of Surrender, the said late King James did grant a new Charter to the said Burrough; and by that, appointed the Mayor, Recorder, Justices of Peace, and Assistants to the Mayor of the said Burrough, and some Freemen; and that under this Charter these Freemen were made. That after the Proclamation for restoring of Charters, the old Magistracy resumed their several Offices, and those appointed by King James's Charter never presumed to act since, nor could the Petitioners prove, that the Freemen made by the said King James's Charter had ever voted, or claim'd to vote at any Election since.

Yet the Petitioners insisted, that though King James's Charter was not valid, yet if those that were made Free had a right to demand their Freedom, they were well made Free by such as then acted in the Magistracy. And to prove their Right, they call'd

Mordecai Cockey and Luke Short, who prov'd, That Mordecai Cockey, Christopher Farwell, John Brooking, and Richard Short, were all Sons of Freemen.

Farwell and Horace said, That Sir Richard Gipps had demanded of the Mayor to Poll these Persons, and began with Dr. Burtogg: But the Mayor said he could not allow the Men made Free by King James's Charter.

That to prove the Right in the Freemen inhabiting, they produc'd a Copy of the Freemens Oath, Whereby they swear not to Claim or Occupy the Liberties of the Town but during such time as they shall dwell and inhabit within the said Town.

That the Council for the sitting Members admitted, That as to six that voted for them, they did live out of the Town at the time of the Election; but that one was a Magistrate of Totness, and the other had not liv'd out of the Town three Months.

That however, for the fitting Members it was insisted, That the Freemen not inhabiting within the Town, as well as those that did, had a Right to Vote. And that though a Breach of an Oath might be a good Cause of Disfranchisement; yet it did not, *ipso facto*, do it.

That for the fitting Members were called.

James Buckley, Richard Cockey, and John Wilkins, who said, That *Sir Richard Gipps* demanded the Mayor to Poll the Freemen by King *James's* Charter. That the Mayor told him all that had a Right had been already polled; but in case he could call any more he would admit them.

Whereupon the said *Sir Richard Gipps* holding a List of Names in his Hand, named *Dr. Burthog*. And the Mayor said he did not allow him; and so *Sir Richard* nam'd no more.

That on the sixth of *November*, before the Election, being at the Mayor's, and discoursing of the Election, *Sir Richard Gipps* said, He was commanded by the King to stand, and that if he had not one Voice he should sit, for he had as great Interest with the King as any Man in *England*, and that he could procure 500 *l.* a Year for the Corporation.

That at the Election he stood up and told *Sir Edward Seymour*, he had not opposed him, but that he was commanded by the Higher Power. And being desired to explain himself, or he might hear of it in another place, he said, He was commanded by his Wife.

That after the Election was over he said, He would give any Man 50 *l.* to lay him 100 *l.* that he did not carry it in *St. Steven's* Chappel.

That the eleventh of this Month *Sir Richard Gipps* said (at the Mayor's Lodgings) Now he should lose it Right or Wrong, for that *Sir Edward Seymour* had such an Interest in the House.

And that upon the whole Matter the Committee came to these Resolutions, as their Opinion, *viz.*

1. "That the Persons made Free by the late King *James's* Charter, to the said Burrough of *Totness*, have no Right to Vote in electing of Members to serve in Parliament for the said Burrough, by virtue of such Freedom.

2. "That the Right of electing Burgesses to serve in Parliament for the said Burrough of *Totness*, is in the Freemen not inhabiting, as well as in the Freemen inhabiting within the said Burrough.

3. "That *Sir Edward Seymour* and *Edward Yard*, Esq; are duly elected Burgesses to serve in this present Parliament for the said Burrough of *Totness*.

4. "That the Petition of *Sir Richard Gipps*, complaining of an undue Election for the said Burrough, is vexatious, frivolous, and groundless.

And the said four Resolutions being severally read a second time were, upon the Question severally put thereupon, agreed unto by the House. Who also

Resolved, "That *Sir Richard Gipps* having preferred to the House a frivolous, vexatious, and groundless Petition, relating to the Election of Members to serve for the said Burrough of *Totness*, be taken into the Custody of the Serjeant at Arms.

Resolved, "That *Sir Richard Gipps* do make Satisfaction to the Members of this House he petition'd against, for the Costs and Expences they have been put unto, by reason of such Petition.

1698. *Die Jovis 22 Decembris*, 1698. *Sir Edward Seymour* being chosen a Citizen to serve in this present Parliament for the City of *Exon*, and also a Burgess for the Burrough of *Totness*, made his Election to serve for the City of *Exon*. And

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgess to serve for the Burrough of *Totness*, in the room of *Sir Edward Seymour*, who has made his Election to serve for the City of *Exon*.

Burgus de Tregony in Com' CORNWALL.

1679. *DIE Jovis 10 Maii*, 1679. Ordered, That the Committee of Elections and Privileges have Power to send for all such Persons as shall appear to them, to be concerned in the Miscarriages and undue Practices touching the Election and Return of
John

John Tanner, Esq; to serve in this present Parliament for the Burrough of Tregony, in the County of Cornwall.

Die Martis 1 Aprilis, 1690. A Petition of *Thomas Tonken*, and others, the Magistrates and Burgeses of the said Burrough, setting forth, That they with others, who had Right to elect, did choose *John Poole*, Esq; to be one of their Burgeses; notwithstanding which the Mayor hath return'd two others to serve for the said Burrough, in prejudice to the said Burrough and the Petitioners; and praying the consideration of the House in the Premises, and that the said *John Poole* may be admitted to sit in this Parliament as one of their Representatives. Read and referred. And in the next Session, viz.

Die Mercurii 8 Octobris, 1690. A Petition of the Magistrates of Tregony, That the Petitioners, with others the Majority of legal Voters, did duly elect *John Poole*, Esq; to be one of their Burgeses, yet the Mayor hath returned two other Gentlemen, whereby he hath done Wrong to the Petitioners, &c. Read and referred. *Quere*, If ever reported.

Die Sabbati 24 Februarii, 1693. Ordered, That Mr. Speaker do issue his Warrant, to make out a new Writ for electing a Burgess for the said Burrough, in the room of *Sir John Tremain*, Knight, deceas'd.

Die Luna 25 Novembris, 1695. A Petition of *Sir Joseph Tredenham*, Knight, setting forth, That the Petitioner was duly elected one of the Burgeses to serve in this present Parliament for the said Burrough, but that *Hugh Wolridge*, Mayor of the said Burrough, hath unjustly and arbitrarily returned the Honourable *Francis Roberts* and *James Montague*, Esquires, to serve in this present Parliament. That several of the Burgeses, who had declared their intentions to Vote for the Petitioner, were prevail'd with, by Bribery and Menaces, to give their Votes for Mr. *Roberts* and Mr. *Montague* at the Election; notwithstanding which the greatest part of the legal Electors voted for the Petitioner; and praying that he may be admitted to his Seat in Parliament, as Burgess for the said Burrough, and such further justice in the Premises as to the House shall seem meet. Was read and referred. Also

A Petition of *Seymour Tredenham*, Esq; setting forth, That the Petitioner was duly elected a Burgess to serve in this present Parliament for the said Burrough. Notwithstanding which the Mayor of the said Burrough hath unjustly returned *Francis Roberts* and *James Montague*, Esquires, as Burgeses. That several of the Burgeses who had declared their intentions to Vote for the Petitioner, were prevail'd with at the Election, by Bribery and Menaces, to give their Votes for the said Mr. *Roberts* and Mr. *Montague*, as the Petitioner is ready to prove. And praying the House to take the Premises into consideration, and to do therein as they shall think fit. Was read and referred to the Committee.

Die Mercurii 4 Martii, 1695. Ordered, That the Report of the said Election be made to Morrow Morning. And accordingly

Die Jovis 5 Martii, 1695. Colonel *Granville* reported from the said Committee the Matter of the said Election, as it appeared to them, viz.

Upon the several Petitions of *Sir Joseph Tredenham* and *Seymour Tredenham*, Esq; complaining of an undue Election of *Francis Roberts*, Esq; and *James Montague*, Esq; the Committee have examin'd the Merits of that Election.

That upon the Poll the Numbers were thus: For

{	Mr. <i>Roberts</i>	93
{	Mr. <i>Montague</i>	99
{	Sir <i>Joseph Tredenham</i>	88
{	Mr. <i>Tredenham</i>	60

That it was agreed, that all such Inhabitants of the said Burrough as did provide for themselves, whether they liv'd under the same Roof or not, had a Right to Vote.

But the Petitioners insisted, That the Mayor ought not to have voted; and that the capital Burgeses, if they were not Housekeepers, had no Right to Vote. Which was denied by the Council for the fitting Members.

That the fitting Members had given Exceptions to nine of them that polled for the Petitioners, which the Petitioners insisted they could justify; and also would justify 17 others that would have voted for them, and were refused by the Mayor to be polled.

That the Petitioners also insisted, that many illegal Practices had been used by the fitting Members, or their Agents, with relation to the said Election.

And

And for the Petitioners, were first called

Henry Greby; who said, That the Town had been a long time dissatisfied with the Election of Strangers. That about 140 went to *Sir Joseph Tredenham's* House, and desired him to stand for the said Burrough, and that the Mayor had promis'd to do what he could for him and *Mr. Boscawen*. But *Mr. Harvy*, *Mr. Boscawen's* Steward, said, His Master expected both Votes. At which, the Town being dissatisfied, they desired *Mr. Seymour Tredenham* to stand.

That it was given out, That such as were *Mr. Boscawen's* Friends, if they would give a single Vote, they should have 6 d. a Day; and if a double Vote 1 s. a Day; and that the Mayor said, *Sir Joseph* would lose it unless he did as they did. And that one *Melchisedeck Kinsman*, who voted for *Mr. Roberts*, and *Mr. Montague* had before promis'd *Sir Joseph*, and being asked why he went of? He said he got two Hogs by it; one of which was worth 30 s. That *Woolridge* said he had 1000 Pound weight of Tin which he was to distribute. And that a little before the Election the Mayor said, He could have 100 l. for 10 Voices.

To prove the nine that had polled, and were now objected to, had a Right. They called *Henry Greby*, and *James Triscawen*; who said, That *Thomas May* was a House-keeper, and had lived in the Town above four Years. And on the other side it was testified, That he was a poor Man, and lived under Presentments.

That *Henry Bowman* had been a House-keeper for three Years and upwards. And *è contra*, That he was under the like Circumstances as *May*.

That *Henry Triscawen* was a House-keeper, and solicited for the sitting Members; and said, He might have had 6 l. And *è contra*, That all the time of the Election he lay in a Hogsty.

That *John Morfe* had an Estate in Tregony of 14 or 16 l. a Year, and was a House-keeper. That *Henry Tiller* is the like; as so is *John Collet*, and kept an Inn.

That *Richard Pascoe* is an House-keeper, and by Trade a *Mason*, and sometimes abroad for half a Year. But his Sisters at that time lived in his House; *è contra*, 'Twas said, That he work'd in a Chamber that had no Chimney.

That *Peter Gunner* kept a Shop; *è contra*, That he lodged with his Brother and had never a Pott.

That as to the 17 refused by the Mayor to be polled. The Evidence was,

That *John Collins* had voted before. That *James Dodge* is a House-keeper; but 'twas said *è contra*, He lay under a Presentment, and was a very poor Man. That *William Bedford* is Minister of the Town, and pays Rates; but *è contra* proved, That he boarded with *Thomas Tonkin* at the time of the Election.

That *Ralfe Tiller* is an House-keeper, and was solicited on the other side; but *è contra* proved, That he had received Charity; but not constant Almes. That *John Collet, Jun.* was Clerk of the Market. That *Silvester Husbands* is Cryer of the Town, and a House-keeper; but *è contra* proved, That he is a very poor Man, and four Years ago had been in an Almes-house.

That *Richard Mark* maintain'd himself, and rented a Shop at 4 s. a Year.

That *John Minors* did rent a House; but it was own'd he had received Charity.

That *Elias Herd* rents a House, and maintains himself; but *è contra* proved, He was a very poor Man, and his Wife buried by the Charity of the Town.

That then the Petitioners proceeded to disqualifie 18 that they had excepted to of the sitting Members voters, and for this they called

— *Triscawen*; who said, That *Willicombe* was no House-keeper, and went out of Town, and liv'd at *Torrington*; but it was own'd he had been Mayor; and *è contra*, That he had reserv'd a Chamber in the House, he before lived in, and lay there at the time of the Election.

That *Thomas Tonkin* wanted a Month of Age at the time of the Election.

That *John Dean* was a Servant, and removed to some other Town two Years before the Election; but *è contra*, That he was always a House-keeper there, and only went for a few Days to assist his Brother, and reserv'd a Room, and had House-hold Goods.

That *Richard Moyle* was no House-keeper; but *è contra*, That he kept a Shop.

That *Anthony Woolhouse* was an *Exciseman*, and a Lodger; *è contra* proved, That he kept a Maid-Servant, and drest his own Meat.

That *Henry Hill* lived with his Father; *è contra* said, That he liv'd in a House of his own.

That *James Kitchen* receiv'd Collection; *è contra*, That he voted formerly.

That the Evidence against the rest was not positive; but by hearsay.

Then the Petitioners to prove several ill Practices by the fitting Members or their Agents, called *Richard Betis*; who said, That *Cann* appeared for Mr. *Boscawen*, and Mr. *Montague*, and that *Cann* would have given him 20 s. to Vote, but he would not take it.

John Knight said, That *John Knight, Sen.* had promised Sir *Joseph Tredenham* one Vote. But, afterwards, Mr. *Harvy*, Mr. *Drinkwater*, &c. told him, That if he did not Vote for Mr. *Boscawen*, he must turn out of all Employments. That *Wooldridge* had 10 s. *Harvy* 10 s. *Ripping* and *Cann* 20 s. between them; and he saw the Money given. That Mr. *Boscawen* asked who he was for; and then promised him a Lease, and put it down in his Book. That a double Voice had 1 s. and a single Voice but 6 d. That he met *Wooldridge*, and some others on the Election-day; and, says he, here is 25 s. for the time past, and if you will not Vote for Mr. *Boscawen*, you shall not Vote at all.

Pascoe Collins said, *Cann* offer'd him 3 l. to Vote for Mr. *Montague*, and gave him 2 s. and was offer'd 4 l. by the Mayor the Election-day, in the Morning, to go off from Sir *Joseph*, and Vote for Mr. *Montague*.

James Turnoe said, That Mr. *Harvy* requested him to Vote for Mr. *Boscawen*, and his Friends, and told him a single Vote would not be accepted; and said, He would give him 50 s. but he did not accept of it. And *Pentyre*, Agent for Mr. *Boscawen*, said, He would give him 6 l. and make it worth 10 l. to him; but he voted for the Petitioners.

Robert Tiller said, That he was offer'd 3 l. whereof he receiv'd 10 s. and when he had given both his Voices against Sir *Joseph*, he was to receive the other 50 s. and told him if 3 l. was not enough, he should have what he would.

James Triscawen, and *William Barnicot*, testify'd, That the Mayor said, He might have 100 Guinea's if he would be against Sir *Joseph Tredenham*; but he would not for the kindness he had for him.

John Collet said the Mayor told him, If he would be for Mr. *Boscawen*, he should have a Voice; and that *Ripping*, and some others gave him 16 half Crowns in hand to have voted for the fitting Members; but he return'd the Money again, and was refused his Voice afterwards. That he asked *Gild* the Reason why he would be against Sir *Joseph*? And he said he had 30 l. of Mr. *Boscawen* to set up his Trade.

Thomas May heard the Mayor say two Days before the Election, if Sir *Joseph* had 100 Voices more than the others, he should not carry a Burges-ship.

That for the fitting Members were called.

John Cole, who said he was Steward to Mr. *Roberts*; and says, That when the Voices were cast up, the Majority fell upon the fitting Members. That some Queries were made, and those that were made out were allowed on both sides, and Sir *Joseph*, as he thought, seemed satisfied; but did say to Mr. *Boscawen*, He would see him in another place.

John Wooldridge said, That *James Triscawen* did manage for Sir *Joseph Tredenham*, and he ask'd him if Sir *Joseph* had paid him? To which *Triscawen* answer'd, That he had not; and that if Sir *Joseph* did not carry it, he question'd whether ever he should be paid.

Thomas Tonkyn said, That the right of Election was in the Mayor, Burges-esses, and Inhabitants paying Scot and Lot.

That as to ill Practices on the Petitioner's side. They called

Thomas Carew; who said, He was at Sir *Joseph Tredenham*'s House half a Year before the Election, and Sir *Joseph* gave him 10 s. That he told Sir *Joseph*, He was indebted 5 l. and Sir *Joseph* said, He should not want that. That a little before the Election, he tender'd the 10 s. to Sir *Joseph*, but he would not accept of it. That he did not Vote for Sir *Joseph*. And after the Election was over he sent for the 10 s. and denyed that ever he said any thing of receiving 25 l. for a Voice; but being confronted by three Persons, they testified that he had said, That he had, or could have 25 l. for his Voice.

Wooldridge denied that he never offer'd *Carew* any Money to Vote.

Another Witness said, He asked *Thomas Gunner* why he was against his Landlord? And he said, He had 20 s. for his Voice.

That Mr. *Seymour Tredenham* bid him go to one *Ralph* for it; which accordingly he did, and received it.

Roger Sundercomb said, He was offer'd 3 l. by *Richard Gibbs*, Servant to Sir *Joseph Tredenham*, for his Voice.

Burgus de Truroe.

Charles Crocker said, *Pascoe Collins* told him, That he was with *Sir Joseph*, and he promised him 3*l.* 10*s.* and afterwards had his Money.

Hugh Livy said, *Sir Joseph's* Servant asked a Voice for his Master; for that his Master's Business was dangerous; and told him if he would Vote for his Master, he should have 5*l.* and that his Master *John* had a Ship of Timber coming home, and he should have what he would.

James Triscawen said, He was requested by one of *Sir Joseph's* Men to Vote for him, and he told them they should have 50*s.* a piece, or 5*l.*

Mr. Harvy denied that he had offered *Turnoe* any Money to Vote.

And that upon the whole Matter, the Committee came to these Resolutions, viz.

1. " That *Francis Roberts*, Esq; is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Tregony*.

2. " That *James Montague*, Esq; is duly elected a Burgess to serve in this present Parliament, for the said Burrough of *Tregony*.

The said Resolutions being severally read a second time, were upon the Question severally put thereupon: Agreed unto by the House.

Burgus de Truroe, in Com' Cornwall.

Dugd. Bar.
fol. 610.

The Town or Burrough of *Truro*, or *Triveren* was sometime in the Possession of *Richard de Lucy*, a Person of great Note in the Reigns of King *Stephen* and *Henry II.* in the eighth of whose Reign he was made Justice of England. From him it came to *Reginald Fitz-Roy*, who was one of the illegitimate Sons of King *Henry I.* and was created Earl of *Cornwall*, by King *Stephen*, in the 5th of his Reign, and died in the 21st of *Henry II.* He, by his Charter, granted to his Free Burgesses of *Triveren*, That they should have all their Free Customs, and such as were used in Cities, and the same in all things which they had in the time of *Richard de Lucy*. (That is to say) *Sac*, *Soc*, *Tol*, *Them* and *Infangenethuf*; and granted to them, That they should not plead or be prosecuted in Hundred or County-Courts; nor for any Summons should go any where to any Law business without the Town, and be quit from paying Toll through all *Cornwall*, in Fairs, or Markets, &c. And distress their Debtors for the Goods they sold when found in the said Town. The Charter runs thus: viz.

Rot. Carter.
13 E. 1. N. 61.
per Jussex.

Reginaldus Regis Filius, Comes *Cornubiæ*, omnibus Baronibus *Cornubiæ*, & omnibus Militibus & omnibus libere Tenentibus & omnibus tam Anglicis quam Cornubiensibus salutem. Sciatis quod concessi Liberis Burgensibus meis de *Triverieu* habere omnes liberas consuetudines & urbanas, & easdem in omnibus quas habuerunt in tempore *Richardi de Lucy*, Scilicet *Sacham* & *Socham*, & *Toll*, & *Them*, & *Hinsfangenethuf*, & concessi eis quod non placitent in Hundredis nec Comitatus, nec pro aliqua summonitione eant ad placitandum alicubi extra villam de *Triveren*, & quod quieti sint de *Tholneo Dando*, per totam *Cornubiam* in *Feris*, & in *Foris*, & ubicunque emerint & vendiderint, & quod de Pecunia eorum accreditata, & non reddita, *Namium* capiant in villa sua de *Debitoribus* suis. And in the same Record it follows thus:

* i. e. H. 2.

Inspeximus etiam Chartam quam * *Henricus Proavus* noster fecit eisdem Burgensibus in hæc verba, viz. *Henricus Dei Gratia Rex Angliæ Dux Normanniæ & Aquitaniæ*, & Comes *Andegaviæ*, Archiepiscopis, &c. & omnibus fidelibus suis *Francis* & *Anglis* totius *Angliæ* & *Cornubiæ* salutem. Sciatis me Concessisse, & præsentem Cartam confirmasse Burgensibus *Richardi de Lucy de Triverieu* omnes Libertates, & liberas Consuetudines quas Comes *Reginaldus* * *Avunculus* meus rationabiliter dedit eis, & concessit licet Carta ipsius Comitatus testatur. Quare volumus, &c. His testibus *R. Episc. Winton*, &c.

* He was
base Son to
H. I. and so
Brother to
Maud the
Empress.

Both which Charters are without Date, and were confirmed by the said Charter of *Edw. I.* dated the 12th of June, in the 13th Year of his Reign; *Edmond*, then Earl of *Cornwall*, being a Witness to it.

D^IE Luna 24 Martii, 1689. A Petition of *John Manley, Jun. Esq;* That he is duly elected a Burgess for the said Burrough: But that one *Robert Avery*, pretending to be Mayor, having gotten the Precept, executed the same without giving any publick notice

tice thereof, notwithstanding which the Petitioner had a majority of Voices, but yet the Mayor hath return'd Sir Henry Ashurst, in prejudice to the Petitioner; and praying a Day to be heard upon the Premises, &c. read and referr'd. And see the next Session, viz.

Die Luna 6 Octobris, 1690. Mr. Manley, Jun. again Petitions, That Mr. Robert Avery pretending himself Mayor of Truroe; and having got the Precept into his hands refused to give publick notice of the Election, whereby several legal Voters could not be present; notwithstanding which undue Practices he was duly elected. But the Mayor return'd Sir Henry Ashurst, in injury to the Petitioner, &c. read and referr'd. 1690.

Die Jovis 22 Octobris, 1691. The said Mr. Manley again Petitions the House; setting forth, That notwithstanding divers ill Practices of the Mayor of the said Burrough of Truroe, he was duly elected, tho Sir Henry Ashurst be return'd: And praying, That a Day may be appointed for hearing and determining the Right of the said Election; read and referr'd. 1691.

Die Sabbati 19 Decembris, 1691. Ordered, That Mr. Manley have leave to withdraw his Petition touching the Election for the said Burrough of Truroe, in the County of Cornwall.

Die Veneris 29 Novembris, 1695. The House being informed that the Election for the said Burrough was so late, that the Return of it was not sent up with the Return from the Sheriff for the said County, and that now the Indenture and Return of the said Burrough is sent to the Clerk of the Crown, and the Sheriff desires it may be annexed to the Writ; but that the Clerk of the Crown desires the direction of this House touching his receiving the same. 1695.

Ordered, That the Clerk of the Crown do receive the said Return for the said Burrough of Truroe, and annex it to the Writ for the said County of Cornwall.

Burgus de Wallingford in Com' BERKS.

In the Great Domesday-Book, under the Title Berroche-scire, is the following Entry, viz. In Burgo de Wallingford, habuit Rex Edwardus 8 virgatas Terræ & in his erant 276 Hagæ (or Houses) redditentes 11 libras de Gablo, & qui ibi manebant faciebant servitium Regis cum equis vel per aquam usque ad Blidberiam; Reddinges, Sudtone & Bezentone, & hoc facientibus dabat Præpositus Burgi Conredium (i. e. their Diet) non de censu Regis sed de suo. Note, These Towns of Blubery, Reading, &c. are all in Berkshire near Wallingford. And the Service here meant was Water and Land-Carriage, &c. The rest of the Description of the Burrough there, is a long and rude Catalogue of all the Houses belonging to the said Town, with their owners, either on the Berkshire, or the Oxfordshire sides; also of their Rents or Customs, many whereof belong'd to foreign Mannors, and not one Word of Burgeses there, only it may be presumed, that the Tenants of those Hagæ, were Burgeses. And by the Charter of King Hen II. there are many and large Liberties and Privileges granted to them by the name of Burgeses of Wallingford, which Charter is by Inspeximus recited in a Charter of Confirmation granted to them by Hen. III. in the 51st Year of his Reign, viz.

Henricus Dei Gratia Rex Angliæ, &c. Inspeximus Cartam quam bonæ memoriæ Henricus quondam Rex Angliæ avus noster fecit Burgenfibus Wallingfordiæ in hæc verba, viz.

Henricus Dei Gratia Rex Angliæ, &c. Archiepiscopis, &c. & fidelibus totius Angliæ & Normanniæ, Franciæ & Aquitaniæ salutem. Præcipio vobis ut Burgeses mei de Wallingford, firmam Pacem meam habeant per totam Terram meam Angliæ & Normanniæ ubicunque sint; & sciatis me dedisse & concessisse eis in perpetuum Libertates & Leges suas omnes & consuetudines bene & honorifice sicut melius & honorabilius eas habuerunt tempore Edwardi Regis & tempore Atavi mei Regis Willielmi, & ejus Filii alterius Regis Willielmi, & tempore Henrici Regis Avi mei scilicet Gildam mercatoriam, cum omnibus Consuetudinibus & Legibus suis libere habeant; ne Præpositus meus vel aliqua Justitia mea de Gilda, eorum se intro mittat nisi propriæ Aldermanni & Minister eorum. Et si Ministri meæ vel aliqua Justitia aliquo placito vel occasione calumpniaverit illos, vel in causam ducere voluerit, prohibeo & præcipio ne ullo modo respondeant nisi illorum proprio Portimonto. Et si ipse Præpositus eos aliqua occasione sine calumpniatore implacitaverit non respondeant. Et si aliquo forisfacto vel reſto judicio aliquis eorum forisfactus fuerit per rectam considerationem Burgenfium erga Præpositum illud emendet. Prohibeo etiam & præcipio ne aliquod Mercatum sit in Craumerſa, nec Mercator aliquis

Great Domesd. fol. 56. a.

Rot. Cartar. 51 H. 3. m. 10. per Inspex.

i.e. For the
good Services
they did H. 2.
against King
Stephen.

aliquis nisi sit (a) *Gilda Mercatoria*. Et si aliquis exierit de Burgo de Wallingford, & vivat de Mercato ipsius Wallingford, Præcipio ut Rectum Gildæ Mercatoriarum faciat ipsis Burgenfibus ubicunq; sit infra Burgum vel extra. Sciatis præterea me Deditisse & Concessisse imperpetuum omnibus hominibus de Wallingford, plenam quietantiam de annuo *Gablio* meo quod solebant reddere de Burgo de Wallingford, de eo scilicet. Quod ad me pertinet in Burgo, has Leges & Consuetudines & Libertates; & quierancias omnes dono eis & concedo imperpetuum, & alias omnes quas poterunt ostendere Antecessores suos habuisse libere, quiete & honorifice, sicut Cives mei *Wintonie* melius unquam habuerunt, & hoc pro Servitio & Labore magno, quem pro me sustinuerunt in acquisitione Hæreditarii Juris mei in Angliâ. Concedo etiam eis, quod ubicunq; ierint in Mercationibus suis per totum terram meam, Angliæ, & Normanniæ, Aquitaniæ, & Andegaviæ, by Gater and by Stronde, by Wode and by Londe; quieti sint de Tolneto & Passagio, & omnibus Consuetudinibus & Exactionibus, nec super hoc ab aliquo inquietentur, super foristaeturam decem librarum. Prohibeo etiam & præcipio super eandem foristaeturam, ne Præpositus de Wallingford, *Scotaliam* faciat, & ne *Gerusumam* ab aliquo quarat, & quod nullam Consuetudinem in Wallingfordia Statuat, quæ noceat Burgenfibus Villæ hujus Donationis & Concessionis. Testes sunt *Thebaldus* Archiepiscopus Cant. & alii. Data apud Oxeneford primo Idus Januarii.

Nos autem, prædictas Donationem & Concessionem ratas habentes & gratas, eas pro nobis & Hæredibus nostris prædictis *Burgenfibus* & eorum Successoribus concedimus & confirmavimus, prout Charta prædicta rationabiliter testatur: Volumus etiam & concedimus pro nobis & Hæredibus nostris, quod licet *Burgenfes* prædicti à principio Turbationis dudum post Parliamentum habitum apud Oxon in Regno nostro fuscitæ, aliquo articulorum Libertatum prædictarum minus plene hæctenus usi fuerint, ipsi tamen & eorum Successores nihilominus de cætero libere & sine impedimento aliquo urantur libertatibus antedictis, sicut prædictum est. His Testibus Roberto Walraund, Roberto Aguyoun, Nicholao de Leukenore, Willielmo de Aete, Johanne de la Lynde, Petro de Neville, Radulpho de Bakepuz, Willielmo Bellet, Bartholomæo Bigod & aliis. Data per Manum nostram apud Westm. 12 Januarii, Anno Regni nostri 51.

11 Hen. 4.
Pryn's brev.
Parl. Rediv.
diviv. 138.

The Return of Members for this Burrough in 11 H. 4. was in this Form. Viso Brevis Domini Regis nos Johannes Derby, Major Burgi de Wallingford, & omnes ejusdem Comburgenfes Scrutinio veritatis Elegimus & Ordinavimus, J. Cotterel & W. Cotterel, nostros Burgenfes in peritia abiles & honestos Procuratores ad Westmonast. ad Parl. Domini Regis in ipsis conferentes nostram plenam Potestatem, ad omnia & singula, ibidem legalia facienda & in Testimonium ordinationis & Electionis prefat. Nos antedict. Major & prefati Burgi & Comburgenfes huic Indentura secundum dicti brevis Exigentiam, sigilla nostra apposuvimus sicut patet in Scriptura inferius nominatim. And subscribed thus, J. Derby, W. Arnegat, T. Swallowyke, Rog. Baker, W. Morgan, J. Culham, W. Essex, J. Payable, R. Colshill, Galfrid Little, J. Brerewood, Rob. Delfont, Johannes Hart.

5 H. 5. 111.

The Return for this Burrough, 5 H. 5. runs thus. Viso brevi Domini Regis nos, J. Derby, W. Arnegat, J. Chalmer, Galfrid Little, T. Swalewit, Rich. Algate, Johannes Denby, cum assensu & consensu omnium Comburgenfium nostrorum, Elegimus & Ordinavimus, J. Cotterel & J. Derby, nostros Comburgenfes perrecturos ad Parl. Domini Regis ad certa diem & Locum in Breve content. Ad quam Ordinationem & Electionem illi qui ejusmodi Electoni interfuer. Sigilla sua app. So that each Elector in this and the former Return, set his particular Seal.

7 Edw. 2.

But in the Return, Ann. 7. E. 4. the Corporation set their Common-Seal, and is thus. Hæc Billa Indentata, &c. Testata quod Henr. Glasyer & J. Meadows, Ballivi Burgi de W. & Comburgenfes Burgi predicti, ex unanimi assensu & consensu elegerunt, J. Colyngrugge & Rob. Hoptoick, Burgenfes essendi ad Parliamentum Domini Regis. In cujus Rei Testim. sigillum Commune apposuerunt.

1 Mar.

There is in the Chappel of the Rolls a broken Return for this Burrough, 1 Marix, and what is legible therein runs thus. Hæc Indentura facta apud Wallingford Inter Robertum Cockson Majorem, & Communitat Villatæ & Burgi prædicti ex una parte & Vicecomitem Oxon & Berks, ex altera parte Testatur

(a) Note, At this time it was thought a great Privilege, if not a Livelibood, to be a Member of a Trading or Merchant Gild. And wherever a Burges dwelt, if he liv'd upon, or used the Mercate of Wallingford, he was to perform all Duties to the Gild, and be judged according to the Customs and Laws of it, whether he liv'd within the said Burrough or without.

quod nos dicta Communitas Villata & Burgi prædicti — Edmundum Affche-
field & Robertum Cockson, Majorem, Villæ & Burgi prædicti Burgenfes ad—
In quorum Testimonium sigillum nostrum Commune nomine omnium inter-
essentium presentibus est appositum.

Burgus de Wareham in Com' DORSET.

DIE Martis 25 Martii, 1690. A Petition of *Thomas Skinner*, Esq; That the 1690.
Petitioner, with *Col. Earle*, were duly elected Burgeffes, by the Majority of the
Poll for the said Burrough; but that notwithstanding the present Mayor hath made a
Return of *Mr. Oakden* and the said *Col. Earle*, in prejudice of the Petitioner: And pray-
ing the consideration of the House, and relief in the Premisses, read and referred.
And the next Session, viz.

Die Luna 6 Octobris, 1690. *Mr. Skinner* again Petitions, That on the 25th of Fe-
bruary last, on casting up the Poll, at the Election for the said Burrough, he and
Col. Earle had the Majority, yet the Mayor hath return'd *Mr. Okeden*, to the Petiti-
oner's prejudice, &c. read and referred.

Die Mercurii 17 Decembris, 1690. Ordered, That the Chairman of the Committee
of Privileges and Elections do upon Monday Morning next, at nine a Clock, make a
Report of such Elections as have been determined at the said Committee.

Die Luna 22 Decembris, 1690. *Mr. Gray*, according to Order, reported from the 1690. Report.
Committee of Privileges and Elections, to whom it was referr'd to consider of the E-
lection for the said Burrough, upon the Petition of *Thomas Skinner*, Esq; complaining
of the Return of *William Okeden*, Esq; viz.

That the Right of Election was agreed to be in all the Inhabitants of the Bur-
rough of Wareham, paying Scot and Lott, and in the Freeholders of the said Burrough.
And on the Petitioners behalf

William Combès deliver'd in a Poll, which he said he took for *Skinner*, on which the
Numbers were

For <i>Mr. Skinner</i>	93
For <i>Mr. Okeden</i>	74

That on the fitting Member's behalf

John Guy said he took the Poll Directions from the Mayor, on which the Num-
bers were

For <i>Mr. Skinner</i>	86
For <i>Mr. Okeden</i>	76

And that there were Queries put on 19 Voices that voted for the Petitioner, and on
five that voted for the fitting Member. And *Mr. Skinner* refusing, or neglecting to
make good the Voices queried, the Mayor struck off the queried Voices on both sides,
and so the fitting Member had the Majority.

That several Exceptions were taken to the Voices of both sides, wherein the Witnesses
contradicted one another. But that on the whole Matter the Committee came to the
following Resolution.

Resolved, "As their Opinion, that *William Okeden*, Esq; is duly elected a Burgefs
to serve in this present Parliament for the Burrough of Wareham.

To which Resolution the House, on the Question, agreed.

Die Jovis 22 Decembris, 1698. *George Pitt*, Esq; being chosen a Burgefs to serve 1698.
in this present Parliament for the said Burrough of Wareham, and also a Burgefs for
the Burrough of Stockbridge, in the County of Southampton, made his Election to serve
for the Burrough of Wareham. And a new Writ ordered for electing another Burgefs
for Stockbridge.

Comitatus de Warwick.

1679. **D**IE Veneris 28 Martii, 1679. A Petition of William Clark, and other Freeholders of the County of Warwick, on behalf of themselves and other Freeholders of the said County, complaining of several illegal and unwarrantable Practices in the Election of Knights of the Shire to serve in this present Parliament for the said County of Warwick, was read.

Resolved, That the Matter of the said Petition be heard at the Bar of this House on Monday next come Fortnight, and that the High Sheriff and Under-Sheriff of the said County do then attend.

Die Jovis 17 April, 1679. Ordered, That the Committee of Elections and Privileges do sit on Wednesday next in the Afternoon, and that the Matter of Election for the County of Warwick be referred to the said Committee, to examine the Matter thereof and Report the same with their Opinions therein to the House; and they are to proceed upon no other Business relating to Elections that Afternoon.

Die Veneris 2 Maii, 1679. Ordered, That the Report touching the Election for the County of Warwick be made to Morrow Morning at 10 of the Clock.

Die Sabbati 3 Maii, 1679. Post Meridiem. Ordered, That the Report touching the Election for the County of Warwick, be made on Wednesday Morning next at ten of the Clock. But nothing farther done therein.

1690. *Die Mercurii 2 Aprilis, 1690.* A Petition of the Freeholders of the said County of Warwick, setting forth, That at the last Election Sir John Burgoyne and Sir Richard Newdigate were fairly chosen; but the High-Sheriff, to frustrate such Election, suffer'd divers Abuses and Irregularities to be committed; not only in beating and wounding several that came to Vote for Sir John Burgoyne and Sir Richard Newdigate: But serving them so likewise, even to the Hazard of Sir Richard's Life. And after such discouraging Practices the Sheriff hath returned Andrew Archer and William Bromley, Esqs; to the Prejudice of the Petitioners; and praying the consideration of the House, and relief in the Premises; was read and referred.

Villa & Burgus de Warwick.

Great
Doomsday,
fol. 238.

In Great Doomsday Book, under the Title Warwic-scire, is this Entry, viz. In Burgo de Warwic, habet Rex in Dominio suo 113 Domus, & Barones Regis habent 112, de quibus omnibus Rex habet Geltum suum. And a little farther, In ipso Burgo sunt 19 Burgenses, qui habent 19 Mansuras, cum Saca & Soca & omnibus consuetudinibus, & ita habebant Tempore Edwardi Regis.

7 Edw. 4.

In the 7th of Edw. 4. John Herthull, Esq; John Fisher of Warwick, and only 10 more named in the Indenture of Return, did in the County-Court held at Warwick on Monday next before Whitsunday, chuse Edward Durant and Benedict Lee Burgesses, pro Burgo Villæ Warwici. To which Indenture, the Sheriff on one part, and all the 12 Electors on the other part, put their Seals.

12 & 17 E. 4.

In the 12th and 17th of Edw. 4. The Burgesses were also chosen the County-Court, but not said how, or by whom, their Names only being indorsed on the Writ with their Manucaptors: Yet by a parallel Return, we may make more than a probable Conjecture, they were chosen by the chief Magistrate or Magistrates, and the Community of the Town.

1628.

DIE Sabbati 3 Maii, 4 Car. 1. 1628. Mr. Hackwill reported from the Committee of Privileges and Elections the Matter touching the Election for the said Town of Warwick. And that the Question before the Committee was,

Whether the Right of Election of Members of Parliament for the said Town, be in the Mayor and Common Council, or in the Commoners in general.

And to prove that it was in the Mayor and Common-Council only, a Petition was produc'd, whereby above 200 Commoners disclaim'd to have any Right of Election.

But

But the said Petition was refused to be accepted by the Committee, who declared, That if but one Commoner appeared to sue for his Right they would hear him, notwithstanding the said Petition.

And they afterwards resolv'd as their Opinion,

1. That the Right of Election for the Town of *Warwick* was in the Commonalty of the said Town.

2. That Mr. *Robert Greville* and Mr. *Francis Lucy* were unduly elected.

To both which Resolutions the House agreed, and order'd a new Writ to be issued out for a new Choice, in the rooms of the said Mr. *Greville* and Mr. *Lucy*.

Die Lune 24 Martii, 1689. A Petition of *Richard* and *James Booth*, Esqs, setting forth, That they were duly elected for the said Town and Burrough by the Majority of Freemen and Householdors of the said Town. But the Mayor, by indirect Means, refusing divers to Poll that tendred themselves for the Petitioners, hath returned the Honourable *William Lord Digby* and *William Colemore*, Esq; in Prejudice to the Petitioners; and praying that they may be admitted into this Honourable House; read and referred. 1689.

Die Jovis 16 Novembris, 1699. Ordered, That Mr. Speaker do issue out his Warrant to make out a new Writ for electing another Member to serve in this present Parliament for the said Burrough, in the room of the Honourable *Robert Greville*, Esq; deceased. 1699.

Civitas de Wells in Com' SOMERSET.

In 12 Edw. 4. the Return to Parliament for the said City was in this form, viz. Ma- 12 Edw. 4.
jor & Communitas unanimi assensu & consensu Elegerunt, J. Beynton & W.
Abury, Cives; Civitatis Wellensis ad interessend. in proximo Parlamento apud
Westmonasterium.

And the Return in the 17th Year of the said King is the same, changing Names. 17 Edw. 4.

D*IE Sabbati 21 Decembris, 1698.* A Warrant ordered to the Clerk of the Crown 1698.
for a new Writ, for a new Election to be for the said City, in the room of Col-
onel *Windham*, deceased.

Die Lune 24 Martii, 1689. A Petition of *William Coward*, Esq; That he was duly 1689.
elected for the City and Burrough of *Wells* by the Majority of legal Votes, and ought to
have been returned: Yet that notwithstanding Mr. *John Davis*, Mayor there, hath re-
turn'd *Edward Barkley* and *Hopton Windham*, Esqs, contrary to the Duty of his Place,
in Prejudice to the Petitioner, and Rights of the Burgeſſes and Freemen, and Inhabitants
of the same City; read and referred. Also

A Petition of *Paul Gallop*, and others the Majority of the Inhabitants of the said
City or Burrough of *Wells*, setting forth, That the Petitioners, and above 140 more of
the Burgeſſes and legal Voters of the said Burrough, did duly elect *W. Coward*, Esq; and
John Hall, Esq; at the last Election there, and who ought to have been return'd; yet
that notwithstanding the Mayor, contrary to his Duty, hath returned *Edward Barkley*
and *Hopton Windham*, Esqs; whereas Mr. *Barkley* had not above 100, and Mr. *Hopton*
Windham not above 80 legal Voices. Which said Proceedings of the Mayor are illegal,
and tend to the violation of the Liberties of the said Burrough, and the Petitioners Rights.
Was likewise read and referred.

Die Martis 26 Novembris, 1695. A Petition of *Henry Bridges*, Esq; setting forth, That 1695.
the Burrough of *Wells* sends Members to Parliament, by the Election of all the Inhabi-
tants, and the Petitioner and Mr. Serjeant *Coward* were duly elected by the Majority of
the rightful Voters, and ought to have been returned as Members accordingly; but the
Mayor of the said Burrough hath returned *Edward Barkley*, Esq; in Wrong to the Peti-
tioner: And praying that the House will hear the Merits of the Cause, and do therein
what shall be just; was read and referred to the Committee of Privileges, &c.

Die Mercurii 12 Februarii, 1695. Ordered, That the Report from the said Com-
mittee, touching the said Election, be made upon Tuesday Morning next. And ac-
cordingly,

Die

Report.

Die Martis 18 Februarii, 1695: Collonel *Granville* reported from the said Committee the Matter of the Election, as it appeared to the Committee, *viz.*

Upon the Petition of *Harry Bridges*, Esq; complaining of an undue Election and Return of *Edward Barkley*, Esq; to serve for the said City of *Wells*, the Committee have examined the Merits of the Election.

That the Petitioner insisted, the Right of Election was in the Mayor, Burgeses, and Inhabitants, paying Scot and Lot.

On the other side, it was insisted for the fitting Member, That the Right of electing was in the Mayor, Masters; and sworn Burgeses; and that no Poll was duly demanded for the Inhabitants.

That for the Petitioner were called.

Samuel Phelps, *Richard Thomas*, *William Merifield*, who testified, That at the last Election a Poll was taken on behalf of all the Freemen of *Wells*, and the Poors Book was brought. That a little after the Precept was read for this Election, *Samuel Phelps* (being a Freeman, and desired by about 150 Freemen then present, who were for the Petitioner) did demand a Poll on their behalf; and the Mayor said he would consider of it. That the Mayor took the Poll of the Burgeses, and then declared the fitting Members elected, without polling the Inhabitants.

That *Phelps*, upon the Declaration, did say, That he had nothing more to say for his part. But the said Witnesses did not say, That after the Burgeses were polled, not all the time they were casting the Members, and before the declaration of the Election, any Poll was demanded. And Mr. *Bridges* was present, and did not demand the Poll. But after the Election was over many of the Inhabitants followed the Mayor, and demanded to be poll'd, which he refused; and thereupon afterwards at least 60 of the Inhabitants signed an Indenture for the Petitioner.

That for the Petitioner was also produc'd King *John's* Charter to *Wells*, by which it is granted, *Quod homines ejusdem & Hæredes eorum liberi sint Burgeses.*

And the Returns following.

17 E. 4. *Magister Wellen' & Coitas ejusdem Civit. Eleger'.*

30 Eliz. *Magister Wellen' & Coitas ejusdem Civit. Eleger'.*

31 Car. 2. Master and Burgeses elected *John Hall* and *William Coward*, Esqs; And *William Merifield*, and *Richard Garrington* testified, That Mr. *Barkley* was at that time elected by the greater number of the Burgeses, but Mr. *Hall* carry'd it by the addition of several Freemen, which gave him the Majority, and that Counsellor *Keen* took the Poll of the Freemen; and *Garrington* said, He was a Freeman, and no Burges, and voted for Mr. *Hall* at that time.

That for the fitting Member was called.

Mr. *Tain*, the Town Clark, who said, That he was at the last Election, that Mr. Serjeant *Coward*, Col. *Windham* and *Barkley* declared, That they would be elected by the sworn Burgeses.

That the Petitioner said nothing, but poll'd as a Burges. That when *Phelps* demanded the Poll, he told him, he might have the Manners to let the Burgeses Poll first. That during the time the Burgeses were casting up, all was quiet. And that the Mayor declar'd the Poll. And that Col. *Windham* said to *Phelps*, You had something to say e'en now, what do you say? And *Phelps* answer'd, He had nothing to say. That the Petitioner was present when the Mayor declared, and never demanded a Poll. That only one Burges voted for the Petitioner, but there were a great many Freemen in the Hall, and afterwards in the Common-Council House, where the Indentures were sealed.

That for the fitting Member were also produced several Returns, *viz.*

1 Phil. & Mar. *Magister Burgi de Welles, & Burgeses ejusdem Burgi Eleger'.*

14 Eliz. *Magister & Burgeses Eleger'.*

39 Eliz. Mayor, Masters and Burgeses elected.

43 Eliz. Mayor, Masters and Burgeses elected.

1 Jac. Mayor, Masters and Burgeses elected.

3 Car. Mayor, Masters and Burgeses elected.

15 Car. Mayor, Masters and Burgeses elected.

13 Car. 2. Mayor, Masters and Burgeses elected.

25 Car. 2. Mayor, Masters and Burgeses elected.

Richard Fryer, aged 68 Years, said, He knew Sir *Ralph Hopton* and Mr. *Baker* elected (before the War broke out) by the Mayor, Masters and Burgeses; and that he believes he was present at Esquire *Hall's* Election; and Mr. *Hall* was elected in the same manner.

And

And that upon the whole Matter, the Committee came to these Resolutions: viz.

1. " That the right of electing Citizens to serve in Parliament for the said City of Wells, is only in the Mayor, Masters and Burgeses of the said City.
2. " That Edward Berkley, Esq; is duly elected a Citizen to serve in this present Parliament for the said City of Wells.

The said Resolutions being severally read a second time, were upon the Question severally put thereupon, agreed unto by the House.

Burgus de Weobly in Com' Hereford.

DIE Sabbati 23 Februarii, 1677. Mr. Williams Reports from the Committee of 1677. Privileges and Elections, That the Committee had taken the Matter concerning the Election for the said Burrough of Weobly into their Consideration, and had examin'd the same, and agreed upon a Vote to be reported to the House: viz.

That Sir Thomas Williams is duly elected a Burgess to serve in this present Parliament for the said Burrough of Weobly.

And a Debate arising in the House, Whether the Sheriff had duly issued forth his Precept pursuant to the Writ for making the said Election.

And a Motion being made, and the Question put, that the Matter of the Election be recommitted. It was on a Division carried in the Negative. Yea's, 106. No's, 145.

And the Question being put to agree with the Committee, That Sir Thomas Williams is duly elected a Burgess to serve in this present Parliament for the said Burrough of Weobly. It passed in the Negative. And

Resolved, That the said Election is a void Election. And

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of Sir Thomas Thompkins, deceased.

Die Martis 26 Maii, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown for making out a new Writ for electing a Burgess for the said Burrough of Weobly, in the room of John Birch, Esq; deceased. 1691.

Die Jovis 22 Octobris, 1691. (i.e. the following Session.) A Petition of Thomas Foley, Esq; setting forth, That he was duly elected for the Burrough of Weobly, and was return'd by the proper Officer of the same, by Indenture to the Sheriff. But that one Thomas Watkins, Constable of the said Burrough, hath delivered another Indenture, purporting an Election of John Birch, Esq; to the said Sheriff, who hath returned both the said Indentures: And praying the Consideration of the House, and Relief in the Premises; read and referred. And also

A Petition of John Birch, Esq; setting forth, That being duly elected for Weobly, in the room of Coll. Birch, deceas'd; he was return'd accordingly by one of the Constables to whom the Precept was directed; yet the other Constable hath return'd Tho. Foley, Esq; in injury to the Petitioner: And praying the Consideration of the House, &c. Was likewise read and referr'd.

Die Jovis 12 Novembris, 1691. Mr. Serjeant Trenchard reported from the Committee of Privileges, the Case touching the double Return and Election of Burgeses to serve in this present Parliament for the said Burrough of Weobly, viz. Report.

That it appeared by the Record, That Thomas Foley was duly returned in one Indenture by Thomas Merrick, Constable of Weobly, and several other Burgeses.

And that John Birch was returned by one other Indenture by several other Burgeses of Weobly.

As to the Merits of the Election it was insisted on behalf of Mr. Foley, That he had the majority by three or four qualified Voices.

And the Council that appeared for Mr. Birch did allow Mr. Foley to be duly returned by the Constable, and that Mr. Birch was not duly returned, being returned by the Burgeses only.

And as to the Merits of the Election, The Council for Mr. Birch did agree on examination that Mr. Foley had the majority of qualified Voices.

Whereupon, and on viewing the Record, the Committee came to the following Resolutions: viz.

M m m m

1. " That

1. " That *John Birch*, Esq; is not duly returned a Burgess to serve in this present Parliament for the Burrough of *Weobly*, in the County of *Hereford*.

2. " That *Thomas Foley*, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of *Weobly*, in the County of *Hereford*.

To both which Resolutions, the House, on the Question severally put thereupon, agreed: And Ordered, That the Clerk of the Crown do attend this House to Morrow Morning, at ten of the Clock, with the Returns for the said Burrough, in order to amend the same.

Die Veneris 13 Novembris, 1691. The Clerk of the Crown (according to order) attended and amended the double Return for the Burrough of *Weobly*, by taking off the Return of Mr. *Birch*.

1698. *Die Luna 12 Decembris*, 1698. A Petition of *Thomas Foley*, Esq; setting forth, That the Petitioner was by a clear majority of legal Voters duly chosen a Burgess to serve in this present Parliament for the said Burrough of *Weobly*, and was return'd as such with *Robert Price*, Esq; who was also chosen; but *John Jones*, one of the Constables of the said Burrough, hath by the Procurement and ill Practices of *John Birch*, Esq; return'd him with the said Mr. *Price*, to the Petitioner's prejudice, and praying relief therein: Was read and referr'd to the Committee of Privileges and Elections. Also

A Petition of *John Birch*, Esq; setting forth, That the Petitioner was duly elected to serve in this present Parliament for the said Burrough, and was return'd as such by one of the Constables; yet *Thomas Foley*, Esq; who used divers indirect Practices to get himself elected, hath prevailed with the other Constable to Return him as duly elected, to the Petitioner's prejudice. And praying relief in the Premises: Was likewise read and referr'd to the said Committee.

Die Mercurii 11 Januarii, 1698. Ordered, That the Report from the said Committee touching the Election for the Burrough of *Weobly*, be made upon Friday Morning next. And accordingly

Report. *Die Veneris 13 Januarii*, 1698. Sir Rowland Gwyn reported from the said Committee, the Matter as it appear'd to them, touching the double Return and Election for the said Burrough, and the Resolution of the Committee thereupon; which he read, &c. and is as follows:

Upon the several Petitions of *Thomas Foley*, Esq; and *John Birch*, Esq; each complaining of an undue Return of the other to serve for the said Burrough.

That both Mr. *Foley*, and Mr. *Birch*, insisted, That they had the majority of qualified Votes, and that irregularities had been on the other side.

That the right of Election was agreed to be in the Inhabitants of Houses of 20 s. per Ann. Rent, and also paying Scot and Lot. And also agreed, That the right of Return was in the two Constables; one of which had return'd Mr. *Price*, and Mr. *Foley*; and the other had return'd Mr. *Price*, and Mr. *Birch*.

That the Council for Mr. *Foley*, called Mr. *Badham*, who took the Poll by the Appointment of the Constables; upon which Poll the Numbers were thus:

For Mr. <i>Price</i>	55
For Mr. <i>Foley</i>	40
For Mr. <i>Birch</i>	35

That Mr. *Price*'s Election was not any way controverted.

That there were besides these taken down in the Poll eight others that offered to Vote, but their Votes were not then allowed; of which four were for Mr. *Foley*, and four for Mr. *Birch*.

That the four for Mr. *Foley* were *John Barnes*, *Steven Lewis*, Clerk, *Edward Sinnerock* and *John Davis*. And the four for Mr. *Birch* were; *Richard Woolf*, *Richard Hyatt*, *Thomas Griffith* and *John Symonds*.

Christopher Taylor said, He took the Poll for Mr. *Foley* by the consent of the Constables and Candidates, and that there were in his Poll, for Mr. *Foley* 44, and for Mr. *Birch* 35; which difference of Numbers were occasion'd by his putting down for Mr. *Foley* the four, not allowed for him by the Constables. That *Gough*, one of the Constables did allow these four he had put down to Mr. *Foley*, the other not; and he deliver'd in a former Poll, wherein he said they had voted.

That Mr. *Foley*'s Council then proceeded upon the point of Irregularities on the other side. And called *Richard Moore*; who said, He was before the Election drinking with Mr. *Jones*, one of the Constables; and Mr. *Jones* said, That if Mr. *Birch* had but 10 Votes, he would Return him; and after that said, If he had but three Votes, he would Return him. That after the Return he saw the Constable at Mr. *Birch*'s Wind-mill, and Mr. *Birch*'s Man put the Grift into his Bag. And he asked the Constable why he

did not pay Toll? And the Constable answered, He was not to pay Toll as long as Mr. Birch's Wind-mill stood there.

Alben Thomas; who said, He was at the last Election of Burgeſſes for Weobly. That at the beginning all things was very calm; but when Mr. Birch's Voices grew low, if any offered for Mr. Foley, they cried no Voice. And Mr. Jones would cry, hollow Boys; no Voice. And if any offered for Mr. Birch that were objected to, he would cry, A Voice Boys; hollow. And the said Thomas said, That he was frequently with Mr. Foley when he applied himself to the Electors. That what he said to them generally was, That he would serve them faithfully if they did Elect him.

That on the part of Mr. Birch, the Council called Thomas Harris; who said,

That he took the Poll for Mr. Birch; and that upon his Poll, the Numbers were the same as upon the Constables; as to those taken by direction of both Constables, viz. For Mr. Foley, 40; for Mr. Birch, 35. But he said, That towards the end of the Poll they were in great Confusion; and that by consent of Mr. Jones, the Constable, he put down four more that voted for Mr. Birch, viz. Richard Hyat, Richard Woolfe, John Symmonds, Thomas Griffith; but he believes their Names were not heard by the other Constable being at some distance. That, afterwards, they compared the Poll; and the other Constable said, He would not allow the last four.

That two, viz. Morgan Williams, and Evan Ross; who polled for Mr. Foley were polled with a Quere; and the Poll was closed without the Queres being examined. That he did not observe that Mr. Jones used any partiality; but there was a new method of Callers and Inspectors, who disturbed each other.

Thomas White and Evan Price said, That Morgan Evans was not a Parishioner; because he had notice by the Church-Wardens, a Year before the Election to find security or be gone: And that he did not find security till after the Election; but he had paid to Church and Poor.

Evan Price also said, That John Philpot lives at the End of the House that belongs to Adams; and Haycock lives in the principal Part; and yet they gave separate Votes: But he own'd it had been divided seven or eight Years.

That Richard Powell was at the end of an House, formerly Mr. Gowers; but he own'd it had been divided four Years. And that Philpot and Powell both pay Scot and Lot. And their Votes were not objected to by either Constable; and Powell had voted before.

Evan Price, and Samuel Myrick, said, That Edward Maunder lives as a Bailiff with Mr. Bridges, at Tiverton; and comes sometimes to Weobly, to a Woman Inhabitant there, reputed to be his Wife; who pays the Poor-rate, tho' his Name be in the Church and Poor's Books.

John Ward said, That William Ross does not pay to Church and Poor, is not to his knowledge in the Church and Poor's-rate for six Years last past; but owned that Ross had voted in former Elections; and that Maunder's Name was in the Rate. And that James Gray had notice to go out of the Parish, and was not in the Rate; but believes he had paid.

Thomas White said, That John Davis is a poor Man, follows Day-labour, and never did pay to Church and Poor. That Edward Synnock has a House, in the Town, of 40 s. a Year; but 'tis lett out to two Maids; and he lives in a Place like a Barn. That the Maids pay to Church, and he is not charged in the Rate. That John Barnes lives in a part of his own House, in Weobly, and his Tenant pays to Church and Poor. That Steven Lewis, Clerk, is not taxed to Church and Poor, and his Predecessors never.

That as to the four who voted for Mr. Birch; but were not taken down by consent of both Constables. John Ward said,

That Richard Woolfe Rents 20 s. a Year, and pays to Church and Poor. That Richard Hyat pays to Church and Poor, and has lived in Weobly half a Year or more in a House of his own. That Thomas Griffith, is not in the Church-rate; because the former Inhabitant was struck out for being Poor, and a new Rate has not been made since Griffith came in. That John Symmonds lives in a House of 25 s. a Year; and Mr. Malington pays for him.

Richard Hyatt said, That Mr. Foley had at the Election before desired his eldest Brother to Vote for him, and promis'd him a Place, but did not perform it. That when Mr. Foley ask'd him for his Vote, he told him that he had been unkind: Said Mr. Foley, I'll give you 20 s. and 20 s. more upon condition to have your Voice; and that Mr. Foley did give him 20 s. but he voted for Mr. Price, and Mr. Birch.

James Shephard said, Mr. Foley ask'd him for his Vote; and he told Mr. Foley, That Mr. Birch ow'd him Money, and if he would pay Mr. Birch's Bill he would Vote for him. That two or three Days before the Election, Mr. Foley told him, If he came to Stoke he should have it. But he said Mr. Foley gave him nothing, and he voted for Mr. Birch and Mr. Price.

Theophilus

Theophilus Meyrick said, *Mr. Foley* ow'd him Money since the Election for last Parliament, and that he went to *Stoke* for his Money: And *Mr. Foley* said, the Parliament was Dissolved, and he could give no Money at present; but told him, If he would trust 14 Days after the sitting of the Parliament he should have it. That *Mr. Foley* wrote a Letter to *Mr. Williams*, to let him have 40 s. taking his Bond; which was done accordingly. And *Mr. Hosier* told him two Days before the Election, If he did not Vote he should have never a Penny; and if he did, he would engage he should have it: (Which *Hosier* being examin'd to, deny'd), That he voted for *Mr. Birch* and *Mr. Price*.

To which *Mr. Foley's* Council, by way of Answer to what *Mr. Birch's* Witnesses said, called

Aben Thomas and *William Hosier*, who said,

That *Morgan Evan* pay'd 40 s. Rent to *Mr. Birch*, and pays to Church and Poor; and if he would have voted for *Mr. Birch*, had not been put to give Security. That *William Roffe* pays 30 s. a Year Rent, did pay to the Church and Poor, but now his Landlord pays for him; and that he has voted in three or four Elections, and was never denied before. That *Philpot* is in the Poor's Book, and was not excepted to at the last Election. That *Powel* bought an Estate in the Town which cost him 30 l. and has before voted for *Mr. Birch*. That *Maunder* and *Price* both offer'd to Vote for *Mr. Foley*; and *Mr. Birch* did agree to admit of them: And so *Maunder's* Name was put down in the Poll. That *James Gray* rents 40 s. a Year, and pays to Church and Poor, and was not objected to.

That as to the four polled by *Mr. Foley*, that were not in the Constable's Poll. They said, That *John Davis* is a Butcher by Trade. That *Edward Synnock* is a Freeholder of 3 l. a Year, and does pay to Church and Poor, and before voted. That *John Barnes* is a Freeholder of 8 l. a Year, and the Estate hath been divided a dozen Years; but the Landlord hath 3 l. a Year, and is in the Poor's Rate. That *Stephen Lewis's* Clerks-Glebe is about 30 l. a Year; and his Predecessors did pay to Church and Poor; and his Predecessors compounded to find the Bread and Wine at the Sacrament, which *Lewis* now does; and voted before for *Mr. Birch*, and was allowed.

And as to the four in *Mr. Birch's* Clerk's Poll, they said,

That *Woolf* comes but occasionally and dresses Hatts, and believes his Rent not above 15 s. or 16 s. a Year, and does not pay to Church or Poor. That *Richard Hyatt* is of another Parish, and came but two or three Days before the Election, and went away a Week or nine Days after. That *Griffith's* Estate is purchas'd by *Mr. Hosier*, and his Rent but 16 s. a Year; and that there has been no Vote for *Symmonds's* House these 20 Years.

Morgan Evans said, That *Barnes* being ask'd in December last, if he knew any thing of the Matter of the Election worth his going to London, he said he did not.

Peter Booth said, That he was at *Stoke* when *Theophilus Meyrick* came thither, but no offer was made him. And when he told *Mr. Foley* that *Meyrick* was there, *Mr. Foley* said he was sorry for it, for he was a great Rogue; and *Mr. Foley* would not speak with him alone, without his being by. That *Meyrick* demanded Money, but *Mr. Foley* did not own any to be due: But *Mr. Foley* order'd him to write a Letter to *Mr. Williams* to lend him 40 s. because he complain'd he was Poor. And *Mr. Williams* did lend him 40 s. upon his Bond, but it was before the Parliament was dissolved.

That *Mr. Birch's* Council, to justify the four Votes taken by *Mr. Birch's* Clerk, call'd *John Price*, who said, That *Richard Woolf* and *John Symmonds* live each in a House of 20 s. a Year, and their Landlords pay to Church and Poor for them. And that *Richard Hyatt* and his Family came to Town a Fortnight or three Weeks before the Election, and is charg'd to Church and Poor.

And *Samuel Hobson* said, That *Symonds's* Landlord paid to Church and Poor for him And that the reason *Griffith's* was not in the Poor's Rate was, because a Rate had not been made since he came into the House.

And that upon the whole Matter the Committee came to this Resolution as their Opinion, viz.

"That *Thomas Foley*, Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of *Weobly*. And the said Resolution being read a second time, was agreed unto by the House. And, Ordered, That the Clerk of the Crown do attend to Morrow Morning, to amend the Return for the said Burrough. And accordingly

Die Sabbati 14 Januarii, 1698. The Clerk of the Crown attending, amended the said Return, by taking off the Indenture, by which *John Birch, Esq;* together with *Robert Price, Esq;* were returned.

Burgus de Westlow in Com' CORNWALL.

D*IE Veneris 21 Martii, 1678.* A Petition of *Thomas Kendal, Esq;* complaining of undue Practices used by *John Trelwany the Younger*, Mayor of the Burrough of *Westlow* alias *Port Pigham* in the County of *Cornwall*, in returning *John Trelwany the Elder, Esq;* to serve in this Parliament as one of the Burgesses for the said Burrough, by one Indenture; and procuring himself to be returned by another Indenture; contrary to the standing Orders of this House, and in Injury of the Petitioner, who was duly elected by the *Major part of the Inhabitants*; and ought to have been returned; was read and referred, *sed nil ultra*, this Session. 1678.

Civitas de Westminster in Com' MIDDLESEX.

D*IE Jovis 20 Martii, 1678.* A Petition of *Sir Philip Meadows*, Baronet, and *Sir William Waller*, Knight, complaining of undue Practices in the Bailiff of *Westminster*, in returning *Sir Stephen Fox* and *Sir William Poultney*, Knights, to serve as Burgesses for the said City of *Westminster*; in Injury of the Petitioners, who were duly elected, and ought to have been returned; was read and referred. 1678.

Die Veneris 21 Martii, 1678. A Petition of several Inhabitants of *Westminster*, complaining of an undue Election and Return of *Sir Stephen Fox* and *Sir William Poultney*, to serve in this Parliament for *Westminster*; was also read and referred: But nothing farther done on either.

Die Jovis 22 Octobris, 1691. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Citizen to serve in this present Parliament for the said City of *Westminster*; in the room of *Sir William Poultney*, Knight, deceased. 1691.

Die Mercurii 14 Decembris, 1698. A Petition of *Sir Harry Dutton-Colt*, setting forth, That the Petitioner was invited by a considerable Number of Voters of the said City of *Westminster*, to stand as their Representative in this present Parliament; for which purpose the Petitioner stood a Candidate at the last Election: But by the manifest Partiality of the Head Bailiff of the said City, and by Votes procured by Entertainments and Menaces, and of others not qualified; the said Bailiff hath returned *James Vernon, Esq;* and *Charles Montague, Esq;* as chosen Representatives for the said City, although Mr. *Montague* was otherwise incapable of being chosen to serve in Parliament; and praying the House to consider his Case, and to relieve him as they shall think fit; was read and referred. And

Ordered, That the Committee do hear the Matter of the said Petition in the first place.

Die Mercurii 21 Decembris, 1698. Ordered, That the Report from the Committee touching the Election for the City of *Westminster*, be made to Morrow Morning. 1698.

A Complaint being made to the House, That one *William Woollaston*, a Witness at the Committee of Privileges and Elections, was upon Monday last arrested as he went from the said Committee, by one *Leicester* and his Follower, who still detain him in their Custody, in Breach of the Privilege of this House. Ordered, That the said

Leicester and his Follower do attend the House to Morrow Morning, and bring with them the said *William Woollaston*.

Die Jovis 22 Decembris, 1698. Sir Rowland Gwyn, according to the Order of the Day, reported for the Committee the Matter of the Election for the City of *Westminster*. Report.

minster, upon the Petition of Sir Henry Dutton-Colt, as it appeared to them, and the Resolutions of the Committee thereupon; which he read, &c. and are as follow, viz.

Upon the Petition of Sir Henry Dutton-Colt, Baronet, complaining of an undue Election and Return of the Right Honourable James Vernon and Charles Montague, Esqs, to serve for *Westminster*.

That the Petitioner's Council allow'd the fitting Members to have a great Majority upon the Poll; but they insisted, that there had been several Irregularities in the Election, and likewise that Mr. Montague, at the time of the Election, was not qualified to be elected.

As to the Irregularities, they call'd Mr. Smith, Clerk of the Peace, Mr. Thomas Ball, Mr. John Meard and Mr. George Mills; by whose Evidence it appeared,

That a Paper was tendred to the Grand Jury by the Foreman, in the Nature of a Presentment; by which they recommended the fitting Members as Persons of great Parts, Worth, and Loyalty, and the most fit Persons to serve in Parliament for *Westminster*. But there were no Threats or Promises made use of to prevail upon any of the Grand Jury to sign it; and four of them refused to do it.

That the same was afterwards presented to the Justices in Sessions, and Ball said, The Foreman told the Jury it came from the Bench. But Mr. Meard, the Foreman said, That a Glover, one of the four that had refused, afterwards told him, He had signed it but that Sir Henry had engaged him to the contrary. And another that liv'd at the Sun Tavern in *Pickadilly* said, He refused it as living in the same Parish with the Petitioner, and it might hinder his Trade; but afterwards wish'd he had sign'd it. And Mr. Meard further said, That he did not receive any Directions from the Justices concerning the said Presentment, but himself order'd it to be writ. Mr. Meard also said, That after their making the said Presentment, several of the Justices and Jury went to Mr. Montague's House; they miss'd of him, but met with Mr. Vernon, and made it their Request to him to stand; but did not carry the Presentment with them.

That to another Point, the Petitioner's Council call'd Matthew Evans, Timothy Dolben, Michael Gillingham, Edward Collyer, John Boswel, William Giles, John Woodbourne, James Dando, Samuel Sturt and John Jefferies, who said,

That they were in *Tuttle-fields* at the time of the Election, and that there were great disorders in the Field. That a Party of Horse that appear'd for the fitting Members broke in upon many Persons on Foot for Sir Henry Dutton-Colt, and trode some down, and others into a great Ditch, and wounded several others; particularly one Gill, who died about three Weeks since of the Bruises he there received.

Gillingham said, That Captain Dent order'd the Horse Grenadeers to pull off their Houseings, and ride as Housekeepers in colour'd Clothes; and Serjeants Hedley, Chisham, and Barton were there under Dent's command; and that Jennings, a Corporal of Horse Grenadeers, knock'd down seven or eight with a Broom-staff.

Giles and Woodbourne said, That one in a Gold-lac'd scarlet Coat, like an Officer, rode up to Sir Henry Dutton-Colt and held a Pistol to him, and swore there would be Murder if he did not depart out of the Field. And Giles said farther, That the said Person being ask'd what he had to do there, said, His business was to bring his Men on and off.

Boswell said, That they beat a Man under a Cart, and did threaten to shoot him, till he cry'd out a Montague and Vernon.

Woodbourne said, That being a Soldier, he was commanded by Harding to Poll for Montague and Vernon; but answer'd, He did not pay to Church and Poor, yet own'd he poll'd for Sir Henry Dutton Colt.

Dando said, That Taylor, the Messenger, knock'd him down, for which afterwards he receiv'd of him a Guinea for satisfaction. That Gibbons and Ferryman, and others, with Whips and Sticks, struck and casheer'd several of Sir Henry Dutton-Colt's Party.

And several of the Witnesses said, That one Party was led by Jennings, who had no Vote; but was followed by Hollingworth and Meers, and several others with Sword and Pistol, on Horse-back, and the Horses were large like Soldiers or Coach-horses, and that Sir Henry Dutton-Colt's Men were assaulted without provocation that they saw; only it had been reported, that Cards and Dice had been thrown up, and Sand and Dirt thrown.

Dolben, the Surgeon, said, He had three of the wounded under his Hand; and Samuel Sturt, another Surgeon, said, He had seven under his care; one of which was for the fitting Members.

Jefferies testified, that he heard *Mr. Argus* say, That *Mr. Montague* had procured *Tom of Westminster* to be given to the Parish.

Mathew Rogers said, That it was reported a Door in the *Park* would be opened, and it was gained by *Mr. Montague's* means.

Then as to the point of Treating, they called *Thomas Woolley*, and *Thomas Stroud*; who said, That they were sent for by *Brown*, a Messenger, and one *Bateman*, to a publick House, that one *Wade* kept, and asked to Vote for the fitting Members, and there eat Lamb, and had Drink, &c. and that *Brown* and *Bateman* paid the reckoning. *Stroud* said also, That several were treated at the *Ship-Tavern, Westminster*, and others, with Coffee and Strong-waters; but could not say it was by order of the fitting Members, or that they paid for it.

Peter Wade said, That *Brown* and *Bateman* were at his House three several times, and sent for several Neighbours, and desired them to Vote for the fitting Members. That one time they bespoke a Shoulder of Veal; but, he not knowing them, did not provide it, so they had some cold Lamb; and *Brown* and *Bateman* paid, and the reckoning came to 17 d.

Jefferies said, That *Ferryman* told him he had 3 s. 6 d. given him for his Horse.

John Nelthorpe said, That *George Eads* asked him to come to his House, and eat some Bacon; and said, They would go in a Body and Vote for the fitting Members.

As to threatnings the Petitioner's Council called *William Spratt*; who said,

That *Mr. Justice Tully* asked one where he was going? Who answer'd, To Vote for *Sir Henry Dutton Colt*; and *Mr. Tully* gave him a touch on the Shoulder with his Cane, and bad him go about his business, and told him he had better not go.

As to the Poll; the Petitioner's Council called *Triamor Baldwin*, who took the Poll for the Petitioner; and said,

That a little before the close of the Poll, the Petitioner desired, that the Poll might be adjourn'd for an Hour, because he expected a great many in the Afternoon; but it was denied. Yet *Baldwin* acknowledged there was none to be polled at the time of closing the Poll; and acknowledged that there had been about seven or eight Proclamations for Persons to come in before it was closed. That after the Poll was over, he went by *Sir Henry Colt's* order to the Bailiff for his Book, but the Bailiff did not then deliver it to him; but said, He should have it when the other Candidates had theirs.

And as to that part of the Petition that said, *Mr. Montague* was not qualified, the Petitioner's Council explained themselves: That it was in relation to his being one of the Lords Justices, and had signed a Proclamation for Proroguing the Parliament.

For the fitting Members were called *Mr. Edward Martin*, *Mr. Thomas Moody*, *Mr. Thomas Stone*, *Talbot Clerk*, and *Mr. Fox*; who said,

That they were all in *Tuttle-Fields* at the time of the Election, and that the disturbance first began by the Petitioner's Party throwing Dirt and Sand, and Cabbage-stalks, and striking the Horses without any provocation. That the fitting Members were at a great distance, and gave no encouragement to the disturbance. And *Sir Talbot Clerk*, particularly, said,

That presently after he came into the Field, a Black, which he believes belonged to *Sir Henry Colt*, because he had seen him follow *Sir Henry's* Chair with two or three more; struck his Horse over the Nose, and beat his Man; and *Sir Henry* said, Go on, go on; and that he did not see any violence before the Petitioner's Party began it. And

Mr. Fox said, That he had known Elections for 25 Years; and that it was usual upon these Elections for the ordinary People to make disturbance, who come in an insolent manner, and fright the Horses; and that formerly *Sir Gilbert Gerrard*, and *Mr. Owen*, were feign to be carried off upon a disturbance occasion'd first by their own Party.

As to the Poll; the said *Mr. Fox*, who took the Poll said, He could say it was the fairest that had been taken in his time; and there was no partiality shewed of either side; that all Persons were left indifferently at the Bar to Poll, and there was no threatening or brow-beating of the Petitioner's Voters, and for the greater conveniency of Gentlemen, they were let into the Court, and polled for the fitting Members and Petitioner alternatively. That it was a quarter past Two when the Poll was closed, and 16 Proclamations were made before the same was closed: That for several Proclamations before, there came only one Man at the third Proclamation to keep the Poll on foot. That the Reason why the head Bailiff did not presently deliver the Petitioner's Clerk his Poll book; was, because the Candidates were first to meet and agree the Seals, the Poll-books having been sealed up upon every adjournment.

That

Civitas de Westmorland.

That upon casting up the Books they all agreed. And there were

For Mr. *Montague* 2836

For Mr. *Vernon* 2662

For Sir *Henry Dutton Colt* 2026

That the fitting Member's Council would have called more Witneses as to the Poll; but the Committee were satisfied without it. And, thereupon, the Council withdrew, desiring a Gentleman of the House to acquaint the Committee with his knowledge in relation to the *Bell and Clock house*; which when the Council were withdrawn, Mr. *Lownds* did.

And the Committee having considered of the Petitioners Councils objections to Mr. *Mountague's* Election, as one of the Lords Justices, came to the following Resolutions (as their Opinion) viz.

1. "That *Charles Mountague*, Esq; is duly elected a Citizen to serve in this present Parliament for the City of *Westminster*.

2. "That *James Vernon*, Esq; is duly elected a Citizen to serve in this present Parliament for the City off *Westminster*.

3. "That the Petition of Sir *Henry Dutton Colt* is frivolous, vexatious, and scandalous.

The said Resolutions being read a second time, were upon the Question severally put thereupon, agreed unto by the House. Who also

Resolved, *Nemine contradicente*, That no Alien not being a Denizen or Naturalized, hath any right to Vote in Elections of Members to serve in Parliament.

Ordered, That it be an instruction to the Members who are to prepare the Bill for qualifying of Members to sit in Parliament, and further regulation of Elections; that they do bring into the said Bill a Clause or Clauses pursuant to the said Resolution.

1698. *Die Veneris 23 Decembris*, 1698. Mr. *William Woolaston*, and *John Leicester*, attending according to order, they were called in to the Bar, where they were examined touching the Arrest of the said Mr. *Woolaston*, and then they withdrew. And it appearing to the House, That the said *John Leicester*, a Marshal's Court-Man, did arrest the said Mr. *Woolaston*, as he was going from the said Committee of Privileges and Elections, to which he was summoned.

Resolved, That the said *John Leicester*, is guilty of a Breach of Privilege of this House. And *Ordered*, That for the said Breach of Privilege, he be taken into the custody of the Serjeant at Arms.

Die Martis 3 Januarii, 1698. See *Leicester's* Petition, wherein he acknowledges his Offences, begs Pardon of the House for the same, and prays to be discharged out of custody. And *Ordered*, That he be brought to the Bar to Morrow Morning, in order to his discharge. And accordingly,

Die Mercurii 4 Januarii, 1698. The said *John Leicester* was brought to the Bar of the House, where he upon his Knees received a reprimand from Mr. Speaker, and was ordered to be discharged out of custody paying his Fees.

Die Jovis 22 Decembris, 1698. Mr. Secretary *Vernon* being chosen a Citizen for the City of *Westminster*, and also a Burgess for the Burrough of *Penryn*, in the County of *Cornwall*, made his Election to serve for the City of *Westminster*; and a new Writ ordered for electing another Burgess for *Penryn* in his room. *Vide Penryn*.

Comitatus de Westmorland.

1689. *DIE Martii 19 Novembris*, 1689. *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, for the making out a new Writ to proceed to a new Election for the said County, in the room of Mr. *Henry Wharton*, deceased.

1696. *Die Martis 20 Octobris*, 1696. *Ordered*, That Mr. Speaker do issue his Warrant, *ut supra*, for electing another Knight of the Shire, to serve in this present Parliament for the said County, in the room of Sir *John Louth*, Baronet, call'd up to the House of Peers.

Burgus de *Weymouth* in Com' DORSET.

Sir Simon D'ewe, Fol. 553, 554. recites a Report from the Committee for Privileges and Returns, concerning a Return for the Burrough of Weymouth; and Melcomb. *Dew's Journal* 39 & 40 Eliz. Regis, viz.

DIE Martis 8 Novembris, 1697. Mr. Brograve, Attorney of the Dutchy, one of 1597. the Committees for Examination of matters of Privileges and Returns, shew'd, That he, and sundry others of the Committees had met together about those Busineses according to the Charge of the House, in that behalf imposed upon them; and that the other Committees did appoint him to make Report to the House, of their Travels in the said Busines; and first reported a Breach of Privilege in serving a *Subpœna* on one of their Members. *Vide ibid.*

And further, as concerning Returns; he reported, That he, and the residue of the Committees, had seen the Return of the Sheriff of the County of *Dorset*, for the electing into this Parliament the Burgesses for the Burrough of *Weymouth*, and *Melcombe Regis*, heretofore two distinct Burroughs; but of late Years united and incorporated into one by Her Majesties Letters Patents; with Ability and Privilege, nevertheless, to elect four Burgesses into the Parliament, as in former times they had used to do when they were distinct Burroughs.

And that the Mayor, Bailiffs, Commonalty and Burgesses of *Weymouth* and *Melcomb Regis* had upon the Sheriff's Precept directed unto them; elected four Burgesses, and returned them under the Seal of their Corporation, and that the Bailiffs have elected two others besides; which four Burgesses are certified into this House from the Clerk of the Crown, and are sworn into the same House accordingly; but the said other two Burgesses are neither certified nor sworn into this House, neither elected by Precept from the said Sheriffs for any thing the said Committees could perceive.

And that therefore their Opinion was, that the said four Burgesses, so as aforesaid, duly and orderly elected and return'd, should still continue Members of this House, and not the other two so indirectly return'd, if it shall be thought good unto this House; for that the said two Burgesses, if they find themselves aggrieved or injured in the said Election, may take their remedy against the Sheriffs.

All which being recited unto the House by Mr. Speaker, it was ordered thereupon, that Sir *Edward Hobby*, and the said Mr. Attorney, of the Dutchy, should be sent by this House unto the said Lord-Keeper, with the said Message, touching the said *Subpœna*; and the party that served the same *Subpœna* should be discharged, and the said four Burgesses for *Weymouth*, and *Melcomb Regis* continued accordingly.

Burgus de *Whitchurch* in Com' SOUTHAMPTON.

DIE Veneris 1 Januarii, 1691. Ordered, That Mr. Speaker do issue his Warrant 1691. to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough of *Whitchurch*, in the room of *Henry Sallop*, Esq; deceased.

Die Sabbati 30 Novembris, 1695. A Petition of *Richard Woolaston*, Esq; complaining of an undue Return for the Burrough of *Whitchurch*, in the County of *Southampton*. 1695.

Die Lune 20 Februarii, 1698. The House (according to order) proceeded to take 1698. into consideration the Report from the Committee; to whom it was referred to examine the Lists of the Receivers, and Names of the Commissioners of the Treasury, Customs and Excise, at the time of the making the Act made in the fifth and sixth Years of His Majesties Reign, for granting to His Majesty certain Rates upon Salt, Beer, Ale, and other Liquors; and of the present Commissioners.

And Mr. *Woolaston* attending in his Place was heard, and then withdrew.

And a Motion being made, and the Question being put, that *Richard Woolaston*, Esq; being a Member of the House of Commons, and having since been concerned and acted as a Receiver of the Duties upon Houses, as also upon Births, Marriages, and Burials, contrary to the Act made in the fifth and sixth Years of his Majesties Reign, for granting several Duties upon Salt, Beer, Ale, and others Liquors; be expelled this House.

The House divided. The Yea's go forth:

Tellers { *Mr. Tredenham*
 { *Mr. Foley* } Yea's 184.

Tellers { *Mr. Iretton*
 { *Mr. Cleave* } No's 133.

So it was resolved in the Affirmative.

Ordered, That Mr. Speaker do issue his Warrant to make out a new Writ for electing another Burgess to serve in this present Parliament for the Burrough of *Whitchurch*, in the room of *Richard Woolaston*, Esq; expelled this House.

Burgus de Wigan in Com' LANCASTER.

1678. **D**IE Mercurii 19 Martii, 1678. A Petition of *Alexander Rigby*, Esq; complaining of an undue Return of *Charles Earl of Ancram*, to serve in this Parliament as Burgess for the said Burrough of *Wigan*, in injury of the Petitioner, who was duly elected, and ought to have been return'd; was read and referr'd, *sed nil ultra*.

1693. *Die Mercurii 13 Decembris*, 1693. Being the fifth Session of the sixth Years Parliament. *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of *Sir Richard Standish*, Baronet, deceased.

Die Lune 8 Januarii, 1693. *Ordered*, That the Clerk of the Crown do take care that the Writ for electing a Burgess to serve in this present Parliament for the Burrough of *Wigan*, in the County of *Lancaster*, be without further delay sealed to Morrow, and be immediately after sent to the Chancellor of the County Palatine of *Lancaster*.

Quere. The Reason of sending it to the Chancellor, if the Sheriff was dead.

1695. *Die Sabbati 30 Novembris*, 1695. A Petition of *Alexander Rigby*, Esq; setting forth, That the Petitioner stood as Candidate at the Election of Burgesses to serve in this present Parliament for the said Burrough, against *Peter Shackerly*, Esq; who is wrongfully returned in prejudice of the Petitioner; that the Petitioner is ready to prove, that *Mr. Shackerly* was guilty of several undue Practices at and before the said Election. And praying that the House will appoint a Day to hear and determine the Matter of the said Election; was read and referred to the Committee. But,

1698. *Die Martis 11 Februarii*, 1695. *Ordered*, That *Mr. Rigby* have leave to withdraw his Petition touching the Election for the said Burrough.

Die Lune 12 Decembris, 1698. A Petition of *Sir Alexander Rigby*, Knight, setting forth, That at the late Election of Members to serve in this present Parliament for the said Burrough, many undue Practices were used by *Sir Roger Bradshaw* and *Orlando Bridgman*, or their Agents, viz. by making Persons Free after the Dissolution of the last Parliament; who are not only strangers to the Town, but many dwelling in other Counties, and altogether unqualified, purposely to Vote for them; and denying others their Freedom both before and after, who were of the Corporation, and had a Right to, and did claim it; because they would Vote for the Petitioner. And altho' he had a sufficient majority upon casting up the Poll, yet the Mayor hath returned the said *Mr. Bridgman* in wrong to the Petitioner. And praying the Justice of the House; was read and referred.

1699. *Die Veneris 24 Novembris*, 1699. A Petition of *Sir Alexander Rigby*, Knight, was presented to the House and read, complaining of an undue Election and Return for the said Burrough; and referred to the said Committee.

Die Sabbati 27 Januarii, 1699. The House being inform'd, That the Petition of *Sir Alexander Rigby*, touching the Election for the said Burrough this Session, is different from that which was presented the last Session.

Ordered, That it be an Instruction to the said Committee, That they do examine whether the Petition this Session be the same in substance with that which was presented the last Session; and report the same with their Opinion therein to the House. And that the Committee do proceed upon the same in the first place.

Die Mercurii 31 Januarii, 1699. Sir Rowland Gwyn reported from the said Committee, the Resolution of the said Committee touching the Petitions relating to the said Election, which they had directed him to Report to the House, which he read in his Place and afterwards deliver'd in at the Table; where the same was read and agreed unto by the House, and is as followeth, viz.

Resolved, "That the Petition of Sir Alexander Rigby, presented to the House of Commons this Session of Parliament, touching the late Election for the said Burrough, is not the same in Substance with the Petition from the said Sir Alexander Rigby, presented to the House of Commons last Sessions of Parliament, relating to the said Election.

Ordered, That the said Committee do not proceed any farther upon the said Petition touching the said Election.

Burgus de Wiccombe in Com' Bucks.

The Return for the said Burrough of Wiccombe alias Chipping-Wiccombe, in the 12th and 17th of E. 4. were made by 12 Persons only (as they are named in the Returns) and no mention made of any Assent or Authority by or from others.

But in the 1st of E. 6. the Return for the said Burrough, now remaining in the Chapel of the Rolls, is thus. Hæc Indentura Testatur, &c. Quod Major & Burgenses unanimi Assensu & Consensu elegerunt, &c. In cujus Rei Testimonium Major & Burgenses sigillum suum apposuerunt.

And in 6 Edw. 6. for the same Town the Return is thus, viz. Quod Major, Ballivi & Burgenses unanimi elegerunt, &c. In cujus Rei Testimonium Major, Ballivi, & Burgenses sigillum suum apposuerunt.

And the same Return is in 1 Maria. And the Elections of Mayor, Burgesses, and Town Officers were then made by a select number, under the Name of Mayor, Bailiff and Burgesses, exclusive of the ordinary Freemen.

D*IE Jovis 22 Octobris, 1691.* *Ordered,* That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for the electing of a Burgess to serve in this present Parliament for the said Burrough, in the room of William Jephson, Esq; deceased. 1691.

Die Martis 3 Januarii, 1698. This Day the House was called over, and the Name of John Archdale, Esq; a Burgess for the said Burrough being called over a second time, Mr. Speaker acquainted the House, that Mr. Archdale had been with him that Morning, and deliver'd him a Letter sealed, which Mr. Speaker presented to the House, and the same was opened and read, viz. 1698.

SIR,

U*pon the Call of the House it will appear, that I am duly chosen and return'd to serve in Parliament for the Burrough of Chipping-Wiccombe in the County of Bucks; and therefore I request of thee, to acquaint the Honourable House of Commons the Reason I have not as yet appeared; which is, that the Burgesses being voluntarily inclined to elect me, I did not oppose their Inclinations, believing, that my Declarations of Fidelity, &c. might in this Case as in others, where the Law requires an Oath, be accepted. I am therefore ready to execute my Trust, if the House think fit to admit of me thereupon; which I do humbly submit to their Wisdom and Justice, and shall acquiesce with what they will be pleased to determine therein. This being all at present, I remain thy real and obliged Friend,*

*London, the 4th of the 11th Month
called January, 1698.*

John Archdale.

Ordered, That the Contents of the said Letter be taken into Consideration upon Friday Morning next, and that the said Mr. Archdale do then attend this House.

Die Veneris 6 Januarii, 1698. The House being informed, That Mr. Archdale attended according to order; his Letter to Mr. Speaker was again read. And the several Statutes qualifying Persons to come into and sit and vote in the House, were likewise read, viz. 30 Car. 2. 1 W. & M. & 7 & 8 W. & M.

And

Burgus de Wilts.

And then the said *Archdale* was called in. And he came into the middle of the House, almost to the Table, and Mr. Speaker, by Direction of the House, asked him, whether he had taken the Oaths, or would take the Oaths appointed to qualifie himself to be a Member of the House.

To which he answer'd, That in regard to a Principle of his Religion he had not taken the Oaths, nor could take them. And then he withdrew.

Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to issue out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of the said Mr. *Archdale*, who has refused to qualifie himself to be a Member of this House, by taking the Oaths by Law appointed for that Purpose.

Comitatus de Wilts.

Breve &
Return. ad
Parl. 2 H. 5.

The Writ to the Sheriff for electing Members to Parliament for the said County, in 2 H. 5. is in this Form, viz. Henricus Dei Gratia Rex Angliæ, & Fran. & Dominus Hibern. vicomiti *Wilts*, salutem. Quia de avisamento consilii nostri pro quibusdam arduis & urgentibus negotiis, nos statum & defensionem Regni nostri Angliæ, ac Ecclesiæ Anglicanæ contingentibus quoddam Parliamentum nostrum apud Westmonast. Die Lunæ, proximo post Octavas Sancti Martini, proximo futuras teneri. Ordinavimus & ibidem cum Prælati, Magnatibus & Proceribus dicti Regni nostri colloquium habere & tractatum. Tibi præcipimus firmiter injungentes quod facta Proclamatione in proximo Comitatu tuo, post receptionem hujus Brevis tenend. de die & loco prædictis duos Milites gladiis cinctos magis idoneos & discretos de Comitatu prædicto, & de qualibet Civitate Comitatus, illius duos Cives & de quolibet Burgo, duos Burgenses de discretioribus, & magis sufficientibus libere & indifferenter per illos qui Proclamationi, hujusmodi interfuerint juxta formam Statuti inde editi & provisi eligi ac nomina eorundem Militum Civium & Burgensium, sic eligendorum in quibusdam Indenturis inter te & illos qui hujusmodi Electioni, interfuerint juxta formam Statuti inde conficiendis, licet hujusmodi eligendi presentes vel absentes fuerint inferi, eosq; ad dictos diem & locum venire facias. Ita quod iidem Milites, plenam & sufficientem Potestatem pro se & communitate Comitatus prædicti, & dicti Cives & Burgenses, pro se & Communitatibus Civitatum & Burgorum prædictorum, divisim ab ipsis habeant ad faciend. & consentiend. hiis quæ tunc ibidem de Communi Consilio, dicti Regni nostri favente Domino ordinari contigerit super Negotiis antedictis. Ita quod pro defectu Potestatis hujusmodi seu propter improvidam Electionem Militum, Civium aut Burgensium prædictorum, dicta Negotia infecta non remaneant quovis modo. Nolumus autem, quod tu seu aliquis alius Vicecomes Regni nostri prædicti aliququaliter sit Electus & Electionem tuam in pleno Comitatu, tuo factam distinte & aperte sub sigillo tuo sigillis, eorum qui Electioni illi interfuerint nobis in Cancellaria nostra ad dictos Diem & Locum certifies indilate, Remittens nobis alteram partem Indenturarum prædictarum præsentibus consutam una cum hoc Brevi. Teste me ipso apud Westmonasterium. 26 Die Septembris, Anno Regni nostri secundo.

Wroteham.

In Dorso. Ego *Elias de la Mare* Vicecomes, vobis significo quod Breve istud in omnibus executus sum, secundum Tenorem & Effectum ejusdem, prout in altera parte Indenturarum inde confectarum & in quadam scedula huic Brevi consuta plenius continetur.

The Return.

The Return to this Writ is as follows, viz.

Hæc Indentura facta apud Wilton in pleno Comitatu *Wilts*, tento Die *Martis*, proximo ante Festum omnium Sanctorum, Anno Regni Regis, *Hen. 5.* Post Conquestum secundo, inter *Eliam de la Mare*, Vicecomitem, Comitatus prædicti ex parte una, & *W. Daungens*, *J. Atte Borwee*, *W. Befiles*, *Robertum Erle*, *Nich. Lye*, *Rob. Athelleggh*, *T. Martyn*, *J. Wichford*, *Lawr. Gownyn*, *T. Godefray*, *J. Brid*, *J. Bengier*, *J. Bynggham*, *J. Niweton*, *H. Stanley*, *J. Perham*, *Roger Alwyne*, *J. Hardy*, *T. Hat*, *T. Vellard*, *J. Billyndon*, *Roger Wodman*, *J. Coof*, *T. Shawe*, *T. Stabbere*, *R. Hoke*, *Jacobum Hemyingby*, *Galfridum Cowebrigge*, *W. Dependen*, & *J. Warham*, ex parte

parte altera. Testatur quod prædict' W. Danngens, & omnes alii superius nominati ad Diem & Locum supradictos existentes, & per prædictum Vicecomitem, Virtute Brevis Domini Regis eidem Vicecomiti directi & huic Indenturæ consuti singulariter examinati elegerunt, W. Esturmy, Chivaler, & T. Bonham, Milites, pro Communitate Comitatus prædicti, & similiter elegerunt, Walterum Shirle & J. Becket, Cives pro Communitate Civitatis *Nova Sarum*, J. Harleston & J. Whithorn Burgenfes pro Communitate Burgi *de Wilton*, W. Covyntre & T. Covyntre Burgenfes pro Communitate Burgi *de Devises*, T. Hiwey & J. Goore Burgenfes pro Communitate Burgi *de Malmesbury*, J. Brid & T. Hatheway Burgenfes pro Communitate Burgi *de Marleborgh*, Rob. Salman & Rob. Roude Burgenfes pro Communitate Burgi *de Calne*, in Comitatu prædicto, ad omnia & singula, juxta tenorem prædicti Brevis in Parlamento dicto Domini Regis apud Westmonast. Die Lunæ proximo post Octavas Sancti Martini proximo futuras assign. & ordinat. cum aliis communicand. tractand. faciend. Similiter & terminand. prout dictum Breve exigit & requirit. In cujus rei Testimonium, uni parti istius Indenturæ, penes prædictum Vicecomitem remanenti, prædictus Willielmus, & omnes alii superius nominati, figilla sua apposuerunt: Alteri vero parti ejusdem Indenturæ, penes prædictum Willielmum & omnes alios superius Nominatos Residentis prædictus Vicecomes sigillum suum apposuit. Dat die Loco & Anno supradictis.

To this Return there is a Schedule annex'd, as follows,

Nomina Militum, Civium, & Burgenfium Comitatus *Wilts* Electorum ad Parliam. Domini Regis apud Westmonast. die Lunæ proximo post Octavus Sancti Martini, Anno Regni Regis H. 5. post Conquestum secundo.

<i>Wilts</i>	{	Manuceptores Willielmi Esturmy Chivaler, unius Militum electi pro se & Communitate Comitatus prædicti ad Parliamentum prædictum.	{	Petrus Braknal
		Manuceptores Thomæ Bonham, alterius Militum electi ad Parliamentum prædictum.		Willielm. Raymond
<i>Civitas Nova Sarum.</i>	{	Manuceptores Walteri Shirle, alterius Militum electi ad Parliamentum prædictum.	{	Johannes Denyas
		Manuceptores Johannes Becket, alterius Civium Civitatis prædictæ electi ad Parliamentum prædictum.		Johannes Cory.
				Johan. Durneford
				Johan. Coscombe.
				Willielm. Donyng
				Willielm. Slegg.

And so in the like Form for Wilton, Devises, Malmesbury, Marlborough and Calne.

And though the Sheriff in that part of the Return before the Indenture says, That he has in all things executed the Writ according to the Tenor and Effect thereof: Yet he only returned two Knights for the County, two Citizens for New Sarum, and ten Burgeses for the five Burroughs abovemention'd, having omitted nine of the present Burroughs, viz. Downton, Hindon, Westbury, Heitsbury, Chippenham, Cricklade, Bedwin, Lutgerthall, Old Sarum, and Wootton Bassett.

And Note, The Citizens and Burgeses sent to this Parliament, were chosen by the same Persons that chose the Knights of the Shire.

DIE Martis 25 Martii, 1679. A Petition of Sir Henry Coker, Knight, John Benner, and several other Freeholders of the County of *Wilts*, on behalf of themselves and the Major part of the Freeholders of the same County, complaining of undue and illegal Practices in the Sheriff of the said County, in electing and returning Sir Richard Grubham, to serve as one of the Knights of the Shire for the said County; was read and referred. *Sed nil ultra.* 1679.

Die Jovis 3 Aprilis, 1690. A Petition of Henry Lord Coleraine in the Kingdom of Ireland, setting forth, That he was elected by the Majority of Freeholders, but by undue Practices of James Edghill, Under-Sheriff, and one Sansbury the County Clerk; Persons unqualified being admitted to Poll, and the County Court unduly adjourned from *Wilts* to several Places the first Day; the last Adjournment being to Salisbury, then visited with the Small-Pox, the fear whereof restrained and discouraged some Hundreds that would have polled for the Petitioner: And by multitudes of other manifest and wicked Practices, they, the said Edghill and Sansbury have made a Return in prejudice of the Petitioner. And praying the Consideration of the House, and relief in the Premises; was read and referred. Also 1690.

Die Lunæ 6 Octobris, 1690. (In the next Session) the Lord Coleraine again petitions, setting forth, That he was duly elected a Knight of the Shire for the said County of *Wilts* by

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by the Majority of qualified Freeholders of the said County, but by the many undue Practices of *James Edgill* Under-Sheriff, and Mr. *Sansbury* County Clerk, in polling many unqualified Persons, and by divers undue Adjournments and Partialities unjustly by them used; the Under-Sheriff hath illegally declared the Election against the Petitioner, &c. read and referr'd. *Sed nil ultra.*

Villa & Burgus de Wilton in Com' WILTS.

1690. **D**IE Martis 25 Martii, 1690. A Petition of Sir *John Nicholas*, Knight of the Bath, setting forth, That he with *Thomas Windham*, Esq; were duly elected for the Burrough of *Wilton* in the County of *Wilt*s, by the Majority of qualified Electors; and yet *John Toogood* the Mayor, by indirect Practices hath return'd Sir *Richard Grubham How*, Baronet, instead of the Petitioner: And praying the Consideration of the House; read and referr'd. And the next Session, viz.

Die Jovis 9 Octobris, 1690. Sir *John Nicholas* renews his Petition, viz. That he with *Thomas Windham*, Esq; were duly elected for the Burrough of *Wilton*; but that *John Toogood* the Mayor, by indirect Practices hath return'd Sir *Richard Grubham How* with Mr. *Windham*, in prejudice to the Petitioner, &c. read and referr'd. But nothing farther done therein.

Villa de Winchelsea. Membrum de Quinq; Portubus.

1696. **D**IE Martis 20 Octobris, 1696. Ordered, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Member to serve for the said Town of *Winchelsea*, in the room of *Robert Austen*, Esq; decess'd.

Civitas de Winchester in Com' SOUTHAMPTON.

Cart. Antiq.
1 Rich. 1.
Nº. 30.

A Charter was granted to the City of Winchester by King Richard the First, in this Form, viz.

Ricardus Dei Gratia Rex Angliæ, Dux Normanniæ, &c. Archiepiscopis, Episcopis Abbatibus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Ministris & omnibus Ballivis & fidelibus suis totius terræ suæ salutem. Sciatis nos concessisse Civibus nostris Wintoniæ de Gilda Mercatoria, quod nullus eorum placitet extra muros Civitatis Wintoniæ, de ullo placito præter placita de Tenuris, exterioribus exceptis Monetariis & Ministris nostris. Concessimus etiam eis quod nullus eorum faciat duellum & quod de Placitis ad Coronam nostram pertinentibus, se possint disrationare secundum antiquam consuetudinem Civitatis. Hæc etiam eis concessimus quod omnes Cives Wintoniæ de Gilda Mercatoria, sint quieti de Theloneo & Le-ftagio & Pontagio in feria & extra & per portus Maris, omnium terrarum nostrarum citra Mare & ultra, & quod nullus de Misericordia Pecuniæ judicetur nisi secundum antiquam legem Civitatis, quam habuerunt tempore antecessorum nostrorum; & quod terras & tenuras suas, & vadimonia & debita omnia juste habeant quicunq; eis debeat; & de terris suis & tenuris quæ infra urbem sunt rectum eis teneatur secundum consuetudinem Civitatis & de omnibus Debitis, suis quæ Accommodata fuerint apud Wintoniam, & de vadimoniis ibidem factis placita apud Wintoniam teneantur, & si quis in tota terra nostra Theloneum vel consuetudinem ab hominibus Wintoniæ de Gilda Mercatoria, ceperit postquam ipse a recto defecerit Wiccomes de Southampton, vel Præpositus Wintoniæ Hamium inde apud Wintoniam capiat. Insuper etiam ad emendandum Civitatem eis concessimus quod omnes sint qui-

eti

eti & de *Jerefigiene* & de *Scottesdale*, ita quod si Vicecomes noster vel aliquis alius Ballivis *Sottbale* faciat. Has prædictas consuetudines eis concedimus & omnes, alias libertates & liberas consuetudines quas habuerunt temporibus Antecessorum nostrorum quando meliores vel liberiores habuerunt, & si aliqua consuetudines injuste levata fuerunt in guerra cassata sint, & quicunque petierint Civitatem Wintonia cum Mercatu suo de quocunque loco sint five extranei five alii veniant morantur & recedant, in salva pace nostra, reddendo rectas consuetudines, & nemo eos disturbet super hanc Cartam nostram. Quare volumus & firmiter præcipimus, quod ipsi & hæredes eorum hæc omnia prædicta hæreditaria habeant, & teneant de nobis; & hæredibus nostris. Testibus Waltero Rothomageni Archiepiscopo. R. Bathoniensi. H. Coventrensi Episcopi S. Bertram de Verdun Johanne Marefcallo. W. Marefcallo. Data per manum Johannis de Alencon, Archidiaconi Lexoviae Vicecancellarii nostri apud Nunancurt decimo quarto die Martii, Anno primo Regni nostri.

Note, By the Parliament Rolls of 11 Hen. IV. It appears, That Winchester, in Hampshire, was held of the King, in Fee-Farm, paying 120 Marks per Ann. and that some of it was held in Capite. Rot. Parl. 11 H. IV. N. 57.

DIE Luna 24 Martii, 1689. A Petition of *Charles Morley*, Esq; setting forth, That he was duly elected for the said City of *Winchester*, by the majority of legal Voices; yet, by indirect Practices, *William Lord Pawlet*, and *Frederick Tilney*, Esq; were return'd by the Mayor of the said City, in prejudice to the Petitioner, and injury of the Electors. And praying the Consideration of the House, and a short Day for hearing the Premises; read and referred. Also 1689.

Die Luna 6 Octobris, 1690. In the following Session, Mr. *Morley* again Petitions, That he was duly elected one of the Citizens for the City of *Winchester*, by a majority of legal Voices; yet, by indirect Practices, the Lord *William Pawlet*, and *Frederick Tilney*, Esq; are returned in injury to the Petitioner, &c. read and referred. 1690.

Die Luna 20 Octobris, 1690. Mr. *Gray* reported from the Committee of Privileges and Elections, the Matter touching the Election for the said City of *Winchester*, viz. Report.

That upon the Petition of *Charles Morley*, Esq; the Committee had examined into the Merits of the Election. And

That the Right of Election appeared to be in the Mayor, Recorder, Aldermen, Bailiffs, and Corporation of the City of *Winchester*. Whereof, on casting up the Poll, there were,

For Mr. <i>Tilney</i>	59
For Lord <i>William Pawlet</i>	39
For Mr. <i>Morley</i>	35

That Mr. *Tilney's* Election was not questioned by the Petitioner.

But as to the Lord *Pawlet's* Election, it appeared to the Committee, viz. to be thus:

That of the 39 that voted for him, two were Peers of the Realm; (but they were waved by my Lord *Pawlet's* Council, there being a Majority without them); and as to ten others, the Petitioner's Council insisted, they were not Resident in *Winchester*, and so not qualified: But it was affirmed by their Witnesses, as also by several others, on behalf of the Lord *Pawlet*, that they constantly voted in Elections.

And that, thereupon, the Committee came to a Resolution; which he read, &c. as follows, viz.

Resolved, As their Opinion, "That the Lord *William Pawlet* is duly elected a Citizen to serve in this present Parliament for the City of *Winchester*."

And the said Resolution, was on the Question, agreed unto by the House *nemine contradicente*.

Burgus de New Windsor in Com' BERKS.

25 H. 6.
P. 4.

In the 25th of Henry VI. the Return for Windsor was thus: Indentura facta, &c. Testatur quod Major & Communitas Burgenſium Burgi de Nova Windſore, elegimus & nominavimus de Communi Conſilio noſtro Rogerum Faſuam & Rogerum Scherman, dicti Burgi Burgenſes ad comparandum, &c. In quorum Teſtimonium ſigillum Commune omnium & ſingulorum Burgenſium & Communitatis prædictæ habentium (in the Records 'tis habemus) Electionem intereſſentium præſentibus eſt appenſum, Dat. apud Windſore, &c. præſentibus Johanne Avelyn, Majore Burgi prædicti Willielmo Scherman, Willielmo Trowe, Rogero Weyte, Johanne Note-
wey, Ballivis. Johanne Bethewood, Thoma Swan, Johanne Ruwelond, Thoma Pers, Richardo Bernard, Conſtabularius & aliis.

7 E. 4.

Here 'twas by the Mayor, and Community of the Burgeſſes of that Burrough, and the Common Seal of all ſingular Burgeſſes and Commonalty, which had Voices in Elections affixed thereto; but about 24 Years after, viz. 7. E. IV. the Return is much different, and after this Form, viz. Testatur quod Johanne Scot, & Willielmo Kemfale, Ballivi Burgi de Windſore, & Comburgenſes Burgi prædicti elegerunt Willielmum Evinton, & Henricum Franceis, Burgenſes eſſendi ad Parl. In cujus rei Teſtim. ſigillum Commune Appoſuerunt (i. e. Ballivi & Comburgenſes ſigillum appoſuerunt.)

1 Mariz.

And in the firſt Year of Queen Mary, the Return for this Burrough runs thus: viz. Nos Major Burgenſes & Communitas Nova Windſor ex unanimi aſſenſu & Conſenſu noſtris Elegimus, &c.

Rot. Cartar.
7 E. IV.

What this Community or Commonalty of New Windſor was, may be ſeen in the Charter of Edward IV. in the ſeventh Year of that King; which runs thus: viz. Concedimus Edmundo Pury, nunc Majori, necnon Tho. Sherman, & Willielmo Stephen, Ballivis dictæ villæ de Nova Windſor, & Burgenſibus & Inhabitantibus ejusdem villæ quod ipſi Burgenſes & Inhabitantes (i. e. the Burgeſſes Reſident that dwell in the Town, as Dr. Brady ſays) de Cætero ſint in perpetuum unum Corpus in Re, & Nomine, & Una Communitas perpetua Corporata de uno Majore & Duobus Ballivis ac Burgenſibus ejusdem villæ; ipſique Major Ballivi & Burgenſes ſucceſſionem habeant perpetuam & quod ipſi Major. Ballivi & Burgenſes, & Succeſſores ſui per nomine Majoris Ballivorum & Burgenſium de Nova Windſor placitare & implacitari, &c.

2 E. 4.

Theſe Burgeſſes at firſt were the King's Tenants, as appears by another Charter of Edw. IV. in the ſecond Year of his Reign; which runs thus: viz. Sciatis quod cum Edwardus nuper Rex Angliæ primus poſt Conqueſtum conceſſerit pro ſe & heredi-
bus ſuis quod villa ſua de Nova Windſor deinceps Liber Burgus eſſet & quod probi homines ſui ejusdem villæ & eorum Hæredes & Succeſſores Liberi Burgenſes eſſent & Gildam Mercatoriam haberent, &c.

Jac. I.

By the Charter of King James I. the old Name of the Burgh or Corporation was continued, viz. The Mayor, Bailiffs, and Burgeſſes of New Windſor, &c. And 28, or not above 30 of the beſt and moſt worthy Inhabitants of the Burgh were appointed to be the Number of the Fraternity of the Guild-Hall of the Burgh, and to be the Common Council of the Burgh, and aſſiſtant to the Mayor and Bailiffs of the ſame Burgh, in all Matters and Things touching the ſame of theſe 28 or 30 Brethren, 13 were to be called Fellows or Benchers of the Guild Hall, and of them 13; ten were to be called Aldermen or chief Benchers, out of which the Mayor was to be choſen, and the two Bailiffs out of the Brethren of the Burgh.

15 Car. I.

The Indenture of Return for Parliament Burgeſſes, in the 15th of King Charles I. 1629. runs thus: This Indenture made the 6th Day of March, in the 15th Year, &c. between the Mayor, Bailiffs, and Burgeſſes of the Burgh of New Windſor on the one Part, and George Purefoy, Eſq; High Sheriff of the County of Berks on the other Part; witneſſeth, That the ſaid Mayor, Bailiffs, and Burgeſſes, with their mutual free aſſent, and conſent, have elected and choſen Sir Arthur Ingram, and Sir Richard Harrison, Burgeſſes, &c.

39 Q. Eliz.

And the like Return is in the 39 Year of Queen Elizabeth, and for the moſt Part all the Reign of King James I. and King Charles I. until the Year 1641, &c.

The

The Charter granted to the said Burrough by King James II. in the 1st Year of his
Reign, runs thus: viz. Et insuper volumus ac per presentes ordinamus, & de ube-
 riori gratia nostra speciali pro Nobis, Heredibus & Successoribus nostris concedimus,
 prefato Majori, Ballivis & Burgenfibus, & Successoribus suis, quod in perpetuum sint
 & erint in Burgo predicto viginti octo homines, vel aliquis alius numerus non ex-
 cedit numerum triginta in numero, tantum de melioribus & probioribus Inhabitantibus
 ejusdem Burgi de tempore in tempus, in hujusmodi modo & forma eligendos
 & constituendos, sicut ex antiquo & temporibus retroactis secundum ordinationes
 usus & consuetudinem Burgi illius ante hac usi fuerunt & consueverunt, qui erunt
 vocabuntur & nominabuntur fratres Guild-hall, Burgi de Nova Windsor, ac sic con-
 tinuabuntur & permanebunt in Fraternitate illa quamdiu sese bene gesserint in eadem;
 nisi interim pro aliqua causa rationabili ab officio & loco predictis amovebuntur,
 aut eorum aliquis amovebitur. Qui quidem fratres sic in forma superius specifica-
 ti, electi, prefati & nominati facient & erunt, & in perpetuum futuris temporibus
 vocabuntur commune Concilium Burgi predicti, pro omnibus Rebus, Materiis, Causis,
 & Negotiis Burgum predictum ac bonum Regimen, Statum, & Gubernationem ejusdem
 Burgi, tangentibus sive concernentibus; ac erunt de tempore in tempus assistentes, &
 auxiliantes Majori & Ballivis ejusdem Burgi, pro tempore existentibus, in omnibus
 Causis & Materiis eundem Burgum tangentibus sive concernentibus. Volumus insuper
 ac per presentes pro Nobis, Heredibus & Successoribus nostris, ordinamus & concedi-
 mus, quod ex numero predicto fratrum Guildhalde Burgi predicti, sicut prefertur
 electorum & prefectorum eligendorum & preficiendorum tresdecim eorum in per-
 petuum de cetero erunt, & vocabuntur ac nominabuntur Socii, Anglice *les Benchers*
 Burgi predicti. Ac etiam erunt & perpetuis futuris temporibus vocabuntur & no-
 minabuntur Socii Anglice [*the Benchers of the Guild-Hall*] infra Burgum predictum,
 ac in forma inferius in presentibus mentionata, de tempore in tempus eligentur &
 constituentur. Ex quoque quidem tresdecim Sociorum numero sic electorum &
 prefectorum eligendorum & preficiendorum, decem eorum in perpetuum de cetero
 erunt vocabuntur & nominabuntur Aldermani, sive Primarii Socii, Anglice *les Chiefe*
Benchers, Burgi predicti de tempore in tempus eligendi & constituendi, tempus
 eligentur & constituentur. Ex quoque quidem decem Aldermanorum numero unus
 annuatim elegetur in officium Majoris Burgi predicti, modo & forma inferius Spe-
 cificatis & officio suo Majoris Burgi predicti peracto deinde perpetuis futuris
 temporibus erit vocabitur & nihilominus remanebit unus de Aldermannis sive Pri-
 mariis Sociis, Anglice *les Chiefe Benchers*, Burgi predicti. Et ulterius volumus ac per
 presentes pro Nobis, Heredibus & Successoribus nostris ordinamus, quod de cetero in
 perpetuum sint & erunt in Burgo predicto duo Ballivi in numero tantum de fratribus
 Burgi predicti, in forma his Literis Patentibus specificata eligendi & constituendi.

DIE Mercurii 19 Martii, 1678. A Petition of Richard Winwood, and Samuel 1678.
 Starkey, Esquires, complaining of an undue Return of Sir John Ernle, Knight, and
 John Powney, Esq; as Burgeses for the said Burrough, in injury of the Petitioner, &c.
 read and referred.

Die Veneris 4 April, 1679. Ordered, That the Report be made to Morrow Morn- 1679.
 ing at 10 of the Clock.

Die Sabbati 5 Aprilis, 1679. Sir Thomas Meers reported the said Election, viz. Reports.
 That the Question was, Whether the Mayor, Bailiffs, and Burgeses not exceeding the
 Number of 30, or whether the Inhabitants at large had the Right to Vote in Elections
 of Members to Parliament for the said Burrough?

That the Petitioners produced the several Records following to prove the said Bur-
 rough to be a Burrough by Prescription; and that the Inhabitants at large ought to
 Vote in Elections.

A Charter of 5 E. 1. whereby that King grants *probiis Hominibus de Windsor, quod*
villa de Nova Windsor de cetero sit liber Burgus, & quod probi homines ejusdem Villæ
sint liberi Burgenfes & habent Gildam Mercatoriam.

And Lawrence Halsted, Keeper of the Records of the Tower, testified, That the an-
 tiest Returns of Members to serve in Parliament, were those of Edw. 1.

They also produced the following Returns, being Records out of the Tower and the
 Rolls.

30 E. 1. two Burgeses returned for New Windsor.

25 H. 6. Major & Com. Burgenf. eleger. In cujus Testimoni. sigil. Commune omnium
 & singulor. Burgenf. & Communitatis predict. est appensum.

27 H. 6. The same exactly.

39 H. 6. Major Ballivi, & tota Communit. eleger. Dat. sub sigillo Majoritatis.

7 E. 6. Major simul cum Ballivis Burgens. & Communitate eleger. In cujus Testim. sigillo commune Burgi in Gilda ibid. apposuimus.

1, 2 Phil. & Mar. Major Ballivi & Burgenses simul cum & Marc. Communitate ex communi assensu eleger. Dat. sub sigil. Com. Burgi in Gilda aula.

2, 3 P. M. and 4, 5 P. M. the same exactly.

1 Eliz. Major simul cum Ballivis Burgens. & Communitate eleger.

16 Car. 1. Mayor, Bailiffs, and Inhabitants have chosen, sealed with the Common-Seal, and of the Inhabitants.

17 Car. 1. A Report of Serjeant Maynard, in 1640. at the Committee of Elections was read; whereby it was resolved, that all the Inhabitants have right to elect.

They also proved by Mr. Taylor, and Mr. Baker, the Election 3 Caroli, That it was at the Market-Cross, and by the Inhabitants, and so it was in the Years 1640, and 1660. and that in the last Parliament the said Examinants were so elected; but it was adjudg'd against them by the Committee of Elections, they wanting their Records which were mislaid by one Starkey, as he afterwards confess'd.

And prov'd by four Witnesses, That on 26 February last, the Mayor, and Bailiffs of Windsor, made Proclamation at the Market Cross, that there was a Precept to elect two Burgeses, and that the Election should be the next Day between the Hours of nine and eleven, and that accordingly above 200 of the Inhabitants then met at the Market-Cross, and about eleven of the Clock being asked by Mr. Starkey, whom they would have return'd for their Member in Parliament, upon the Precept read the Day before, they all answer'd, Mr. Winwood, and Mr. Starkey: Then there went about 20 of them to the Hall, where the Mayor and Bailiffs, and Burgeses were, and demanded entrance to give their Votes; but the Constables and Tything-men denied to let them come in, saying, They had orders to keep them out; and that, thereupon, they came back to the Cross and sealed and signed an Indenture now produced, and went again with it to the Hall, and demanded entrance, and to have the Common Seal to fix to the said Indenture, which was also denied them.

And that the Mayor being demanded to set the Common-Seal thereto, answer'd, He would have done it with all his Heart; but that he had an order of the Corporation to secure him touching his returning Sir John Ernle, and Mr. Powney, to which the Town-Clerk was a Witness.

The fitting Members Sir John Ernle, and Mr. Powney, produced several Witnesses, viz. Smith, Monk, Harris, Matthews, and Brazier; who proved,

That the Mayor, Bailiffs, and chief Burgeses made Proclamation on the said 26th of February, That the Election should be the next Day, and that accordingly the next Day they went to the Hall about 10 a Clerk, and shut the Doors for some time while they made Freemen, and about 11 read the Precept, the Mayor first giving order that the Doors should be opened; but there being a Tumult, the Constables were ordered to keep the Peace, and the Doors, and then the Mayor, Bailiffs, and Burgeses went to Election, and unanimously chose the said Sir John Ernle, and Mr. Powney, and several of them said the Doors were open at the Election, and that they had no order to shut them. But Brazier said, that several of the Inhabitants with Mr. Winwood, and Mr. Starkey were denied to come in, when they came to demand entrance, to have the Common-Seal; but he heard none of the Inhabitants ask to come in to give a Vote.

And 'twas also prov'd, That the Election in the Hall was a little after 11 a Clock, and that the Election at the Cross was over before the Precept was read at the Hall, as they believ'd by computation of time.

And produced the several Records and Books following to prove the Election to be in the Mayor, Bailiffs, and Burgeses, not exceeding 30, viz.

35 H. 6. Major Ballivi, & Burgens. eleger. Dat. sub Communi sigillo in Gilda Aula Regia.

And 1 E. 6. 14 Eliz. 30 Eliz. 43 Eliz.

1 Jac. 7 Jac. 18 Jac. 20 Jac.

1 Car. 1. alter eodem Anno. 3 Car. 1. 15 Car. 1.

13 Car. 2. 29 Car. 2.

All which Returns are by the Mayor, Bailiffs, and Burgeses, and under the Common-Seal, and most of them dated in the Guild-Hall of Windsor.

Also a Report of Serjeant Charlton, upon the dispute of the Election of Richard Braham, Esq; and Sir Thomas Higgons, in 1661. was read; whereby it was resolved, That the Mayor, Bailiffs, and Burgeses not above 30 in Number, have only the Right to elect: Also the Book of Entries of the Town of Windsor was read; whereby it appeared,

peared, that three several Elections in Queen Elizabeth's Reign were by a number not exceeding 30.

Whereupon the Committee came to these Resolutions, viz.

1. "That the Mayor, Bailiffs and Burgeses of *New Windsor* have not the Right of electing Members to serve in Parliament for the said Burrough.
2. "That the Burrough of *New Windsor* hath a Right to send Burgeses to Parliament by Prescription.
3. "That all the Inhabitants of the said Burrough have the Right of electing Members to serve in Parliament for the said Burrough.
4. "That Sir *John Erle* and Mr. *Powney* are not duly elected to serve, &c.
5. "That Mr. *Winwood* and Mr. *Starkey* are not duly elected to serve, &c.
- Note, The Committee divided on the 5th Resolution. Yea's 125. No's 131.
6. "That the late Election of Members to serve, &c. is a void Election.

The first, second, third and fourth Resolutions were, upon the Question severally put, agreed unto by the House.

And the fifth Resolution being read a second time, and the Question put that the House doth agree with the Committee therein, the House divided. Yea's 153. No's 189.

And Resolved by the House, That Mr. *Winwood* and Mr. *Starkey* are duly elected to serve in this present Parliament for the Burrough of *New Windsor*. And

Ordered, That the Clerk of the Crown and the Mayor of the Burrough of *New Windsor*, do attend on Monday Morning next at 10 a Clock, and amend the said Return.

Die Lune 24 Martii, 1689. A Petition of Sir *Charles Porter* and *William Adderley*, Esq; that they were duly elected Burgeses for the said Burrough by the Majority of legal Electors, and a Return was demanded from the Mayor of such their Election: But that notwithstanding the said Mayor hath taken upon him unduly to return *Baptist May* and Sir *Christopher Wren*, in prejudice to the Petitioners; read and referred. 1689.

Also a Petition of the Inhabitants of the said Burrough, That a Precept being directed to the Mayor and Burgeses of *New Windsor*, and a Day appointed for the Election. The Petitioners being the general Burgeses and Inhabitants of the said Burrough, appear'd at the Market-Cross, and duly elected Sir *Charles Porter* and *William Adderley*, Esq; for their Burgeses; but the Mayor hath unduly return'd (*ut supra*) and praying Consideration, and that the House would assert their ancient Right, by causing the Mayor to amend the said Return; was likewise read and referred to the Committee of Privileges and Elections.

Die Sabbati 17 Maii, 1690. Mr. *Gray* reported from the said Committee the Case touching the double Return and Election of Burgeses to serve in Parliament for the said Burrough. That upon examination of the same the Question was, Whether the Right of Election was in the Mayor, Bailiffs, and select number of Burgeses, or in the Inhabitants paying Scot and Lot; and agreed, 1690. Report.

That if in the former, the fitting Members Sir *Christopher Wren* and *Baptist May*; if in the latter, the Petitioners Sir *Charles Porter* and *William Adderley* were duly elected.

That for the Petitioners the Council insisted, That *Windsor* was a Burrough by prescription, and produced

Returns of Burgeses for the same, viz. 30 E. 1. and 7 E. 2. And Indentures of Return, viz.

25 H. 6. *Major & Communitas & Burgen. elegerunt.*

27 H. 6. and 29 H. 6. *Eadem forma.*

39 H. 6. *Major Ballivi & tota Communitas elegerunt.*

7 E. 4. *Ballivi & tota Comburgenses elegerunt.*

1 Mariae. *Major Burgenses & Communitas elegerunt.*

2 & 3 Phil. & Mariae. *Eadem forma.*

1 Eliz. *Major Ballivi Burgenses & Communitas elegerunt.*

Under the Common-Seal and Seals of the Inhabitants.

17 Car. Particular Burgeses and Inhabitants named together, with divers other Burgeses and Inhabitants elected, &c.

And Resolutions of the House of 1640, 1679, 1680, that the Commonalty had right to elect.

And called Mr. *Taylor* and Mr. *Eyre*, who testified, They had known many Elections, and that the Commonalty had the Right, and had continually elected for *Windsor*.

That for the fitting Member, the Council produced a Charter of 5 Edw. 1. *Quod villa de Nova Windsor, de caetero liber Burgus sit.*

And

} Under the Common Seal.

Burgus de Worcester.

And also the following Returns, viz.

17 E. 4. *Major & Burgenfes elegerunt.*

1 E. 4. and 14 Eliz. 26 Eliz. 28 Eliz. and 30 Eliz. *Major Ballivi & Burgenfes elegerunt.*

And the Resolutions of this House, viz.

13 Car. 2. In the Case of Sir Richard Braham and Mr. Higgons. And

2 May 1. William and Mary, in Mr. Powles's Case. And

6 August, eodem Anno. Sir Algernoon May's Case. That the Right was in the Mayor, Bailiffs, and select number of Burgeses.

And that the Committee upon the whole Matter came to the following Resolutions.

1. *Resolved*, "That the Right of electing of Burgeses to serve in Parliament for the Burrough of *New Windsor*, is in the Mayor, Bailiffs, and select number of Burgeses only.

2. *Resolved*, "That Sir Christopher Wren and Baptist May, Esq; are duly elected Burgeses to serve in this present Parliament for the said Burrough of *New Windsor*.

Which Resolutions being severally read, and the Question being put, That the House do agree with the Committee therein; the House divided. Yeas 140. No's 152. So it pass'd in the Negative, i. e. not to agree with the Committee. And

Resolved, "That Sir Charles Porter and William Adderley, Esq; are duly elected Burgeses to serve in this present Parliament for the said Burrough of *New Windsor*.

Ordered, That the Clerk of the Crown do attend this House upon Monday Morning next with the Return for *New Windsor* (*inter al.*) to amend the same, according to the said Resolutions. And

Ordered, That the Mayor of the Burrough of *New Windsor* do attend this House upon Monday Morning next, to amend the Return of Burgeses for the said Burrough.

Die Lunæ 19 Maii, 1690. The Clerk of the Crown and the Mayor of *New Windsor* attending according to the several Orders of Saturday last were called in, and the Mayor made a Return of an Indenture, by which Sir Charles Porter and William Adderley, Esq; were elected. And thereupon the Clerk of the Crown took off from the File the Indenture, by which Sir Christopher Wren and Baptist May, Esq; were returned, and filed the other Indenture instead thereof.

Die Martis 7 Novembriis, 1693. Being the fifth Session of the six Years Parliament, *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a new Writ for electing a Burgess to serve in this present Parliament for the said Burrough, in the room of William Adderley, Esq; deceased.

Civitas de Worcester in Com' WORCESTER.

1693. *DIE Martis 7 Novembris, 1693.* Being the fifth Session of the six Years Parliament. *Ordered*, That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing a Citizen to serve in this present Parliament for the said City, in the room of Sir John Sommers, Knight, now Lord Keeper of the Great Seal of England.

Die Sabbati 23 Decembris, 1693. A Petition of John Oakley Mayor of the said City, John Handy and others Citizens and Freemen of the same, on behalf of themselves and others who have Right to elect Members to serve in Parliament for the said City, was presented to the House, and read. Also

A Petition of Charles Cox, Esq; was presented to the House, and read: And both the said Petitions complaining of an undue Election and Return of Samuel Swift, Esq; to serve in this present Parliament for the said City. *Ordered*, That the Examination and Consideration of the said several Petitions be referred to the Committee of Privileges and Elections, who are to report the same with their Opinion to the House.

Die Sabbati 3 Februarii, 1693. *Ordered*, That the Report from the said Committee, touching the Election for the said City, be made upon Wednesday Morning next. And accordingly,

Report. *Die Mercurii 7 Februarii, 1693.* Mr. Bowyer reported from the said Committee the Case touching the said Election, as it appeared to them, and their Resolutions thereupon, viz.

That

That upon the Petition of *Charles Cox*, Esq; complaining of an undue Return of *Samuel Swift*, Esq; to serve for the said City of *Worcester*; and also upon the Petition of the Mayor, and several Freemen of the said City.

It was agreed on both sides, that the Freemen who do not receive Alms were the Electors.

The Poll was likewise agreed to have been in this manner, viz. 682 for the sitting Member and but 575 for the Petitioner, which makes the difference 107.

But on behalf of the Petitioner it was prov'd, That on *Friday* three Weeks before the Election, being the 17th of *November*, it was agreed by the Mayor, Aldermen, and Candidates, That all who had right of Freedom, either by *Birth-right* or by *Service* (which were the Two ways of being Freemen) should be admitted and sworn accordingly; and Proclamation made, that those of the City that had such Right should come on the *Monday* following to be examin'd, admitted, and sworn; and so *de die in diem*, till they should be all sworn: And the *Friday* following was appointed for those that lived in the Country to do the like.

But that on *Monday*, though a great many came to be admitted, according to the said Agreement, yet the Aldermen, at the Instigation of Alderman *Haynes*, a great Friend of the sitting Members, went away and would not admit or swear any of them; and for want of their Presence nothing could be done: But the Aldermen promised to admit them after the Election was over, and did so.

Philip Bearcroft testified the same, and that those that so came to be admitted and sworn, and were refused were above 100; and that these tendred themselves at the Election to Vote for the Petitioner, but were refused, and the Door where the Poll was taken kept shut against them. And *William Milward* gave in a List of those so refused, wherein were the Names of 103; and that they tendred themselves at the Election, which began *Tuesday* the fifth of *December*, but were kept out, the Door being shut, and Alderman *Haynes* keeping the Key.

William Collins testified the demand made by those refused Freemen to be polled, and that the Sheriff refused them; whereupon the Petitioner desired that their Names might be entred, to see who and how many they were, but was denied that also. That the Poll was ended on *Friday* the Eighth of *December* at Two a Clock in the Afternoon; and the Sheriffs Officers took away all the Books, as well those that the Candidate's Agents had taken, as those of his own Officers, and did not then let the Candidates put their Seals to them as they had done all along before, and refused to adjourn the Poll till next Day, as he was desired by the Petitioner.

That four Quakers coming to Poll for the Petitioner were refused because they would not swear, though they produced their Copies of Freedom, though other Quakers were admitted that voted for the sitting Member.

Thomas Taylor testified, That *James Taylor*, his Father, coming to Poll for the Petitioner, being an old, infirm Man, was carried away by force by some of the Voters for the sitting Member, and hinder'd from polling at all. And *Thomas Smith* testified the same.

Richard Pretty testified, That *John Heath* was also so served, and run into a House by 10 Voters for the sitting Member, and kept there for some time, and knock'd down; but afterwards did get to Vote for the Petitioner.

Thomas Smith likewise testified, That *John Drew* came to be polled for the Petitioner, and after being informed that he was polled went his way, but is not set down in the Poll. And the like was testified of two others, viz. *William Dunn* and *John Hall*.

The Churchwardens of the several Parishes testified, That several of the sitting Members Voters received Alms, viz. Eight of *St. Alban's* Parish received Bread, and one other there that had Money by order of the Mayor. Two of *All-Saint's* Parish received 6 d. per Week by order of the Mayor. Twelve of *St. Martin's* received Bread. Four of *St. Andrew's* received Bread, and one that had a Pension. Two of *St. Nicholl's*, one a common Beggar and the other a Pensioner that liv'd in a Town Alms-House at the time of the Election: And one of *St. Peter's*, a Pensioner. All these voted for the sitting Member.

'Twas objected, That one who had received Bread voted for the Petitioner; but he appeared to be a Clerk of a Parish, and they had Bread as a perquisite to their Office; and several of them voted for the sitting Member, and were not excepted against.

Richard Andrews testified, That nine Persons had Coats given them by the Wardens of the Clothiers, by order of the sitting Member, who paid for the same, and they voted for him; and that he never gave Coats before.

Richard Pomfrey testified, that *John Cuerton* had promised to vote for the Petitioner, but having a Coat given him, was brought over to the sitting Member's side, and voted for him. The same was prov'd of *John Moreton*, by *Jekbill* and *Smith*.

Thomas Woodward testified, that *Charles Swift* the sitting Member's Brother offered him 40 s. for himself, if he would vote for the sitting Member, and 40 s. a piece for all he should get off from the Petitioner to vote for the sitting Member, but knows of no Money actually given. That the Witness himself was abused, because he was for the Petitioner, and his Windows broken, and his Man beaten at his own Door, and a great Tumult in the Streets.

William Yardner testified, that he was kicked down Stairs by the Constable at the Polling-place, and being asked by Alderman *Haynes* whom he would poll for, and he answering for the Petitioner, *Haynes* struck him a blow on the Breast, and asked him again the same Question, and he answered as before, and *Haynes* struck him again, and when he had polled, took and shook him, and said, he desired to see his Face that he might know him.

John Breynon testified, that coming to poll for the Petitioner, he was thrust and knock'd down twice before he could get to be polled, and after he was polled, Alderman *Haynes* told him he was a forsworn Rogue, and took him by the Hair, and drag him all along the Tolfey, and afterwards kick'd him down Stairs.

Captain *Slater*, a Captain of the City Train'd Bands, coming to assist the Petitioner at the Election, was abused by the Constables and Mob in the Tolfey and Streets, and said, he saw 40 Freemen refused admittance to the Poll one Morning, and 20 in the Afternoon, who would have voted for the Petitioner.

For the sitting Member were produced,

Alderman *Haynes*, who testified, that the sitting Member was courted to stand in opposition to Mr. *Lechmere*, and refused it at first, but was afterwards prevail'd with, and Mr. *Lechmere* desisted; that then the Petitioner promised to be for the sitting Member, but afterwards set up for himself; that the Mayor had likewise promised the sitting Member, but afterwards was for the Petitioner; that the Petitioner had agreed not to make any Freemen, but they afterwards made 20; but finding the Inconveniency of it, agreed to make no more till after the Election, only the Mayor said, he was for making Freemen.

That the Petitioner agreed, that none but Freemen should be let into the Tolfey to disturb the Poll, and that all Freemen should have Votes, but those that took weekly or monthly Pensions; and that they examined the Voters to this upon Oath when they polled them, which was the Scrutiny agreed on; and that it was also agreed by the Petitioner they should poll by Twenties, which was observed till the Petitioner had but 15 Votes; and after that the Petitioner polled only so many, as that the sitting Member had an overplus of 107. Whereupon the Petitioner declared, he thought he could not retrieve it, and would put the sitting Member to no further charge; and thereupon three Proclamations were made in the Hall, and in the Street, and the Books closed, and the Scrutiny adjourned till Tuesday.

That he and the Constable were abused in the Street by a parcel of young Men that declared for the Petitioner, but were no Freemen; but confessed they had a right to be so, and were used to be admitted at all other Elections.

That he carried Captain *Slater* out of the Crowd, who declared, that he believed he had had his Brains knock'd out, if it had not been for him; that there were more than 103 that had a right to their Freedom, that in all they were to the number of 270 and odd; but whether they demanded this Freedom before the Election, can't tell; That 150 that were not made free, did subscribe for the sitting Member, but acknowledged, they were not at the Election or demanded a Poll.

Robert Hunt testified, he took the Poll-Books, and that they were sealed by the Sheriff only, and gave them to Alderman *Haynes*; That the Petitioner made no other Objection, but that the Petitioner was High-Sheriff of the County, and so could not be returned a Citizen; That the Candidates agreed that the Breadmen should be polled, and those Quakers only that had been sworn.

Thomas Sherwyn testified the Agreement to make no such Freemen, and that the Election was fairly carry'd.

Richard Gibbs testified, that there were 158 that had right of Freedom, and would have voted for the sitting Member at the Election, and some of them demanded it at the Day the Poll was closed; but it was agreed on both sides they should not be polled.

Thomas

Thomas Burrell said, that there were 112 that had a right to be Freemen, and would have voted for the sitting Member, and some of them came on the Day of the Election.

James Jones said the same for 158, but could not say they demanded their Poll.

William Hart gave in a Lift of them, and said they were Freemen, and would have been for the fitting Member; but could not say they were at the Election.

Matthew Matthews, as to the nine Coats, declared, that the fitting Member ordered him to give them as he pleased, and would not have it known that it was on his account. That he did not know the fitting Member ever gave any before, but his Father did in his Life-time, who died about seven Years since.

John Andrews testified, he had a Coat given him; but said, that he was not to do any thing for it; but he voted for the fitting Member.

John Minshaw testified, that he was threaten'd to have no more Work, if he did not vote for the Petitioner, and if he did he should have 2 s. a Week given him, and T

To confront some of those last Witnesses, *Collins* was called for the Petitioner, who testified, that he was by at the Election, and that the Petitioner was so far from declaring he was satisfied, that he complained of foul play in it; and that he never made any Agreement that no more Freemen should be admitted, but that he demanded a Scrutiny, which was deny'd him. And as to *Gibbs*, *Milward* testified, that he confessed to him he had a Pack of Wool and Money of the sitting Member for aiding for him.

And that upon the whole matter the Committee came to those several Resolutions, viz.

1. That Samuel Swift Esq; is not duly elected a Citizen to serve in this present
"Parliament for the City of Worcester."

2. "That Charles Cox Esq. is duly elected a Citizen to serve in this present Parliament for the City of Worcester."

The first Resolution being read a second time, and the Question being put, That the House do agree with the Committee in the said Resolution.

The House divided. The No's go forth.

Tellers for the Year's { Mr. Montague } Year's 162.
 { Mr. Clark }

Tellers for the No's { **Mr. Bromley** } No's 117.
 { **Mr. Brereton** }

So Resolved in the Affirmative.

The second Resolution being read a second time, and the Question being put, That the House do agree with the Committee in the said Resolution.

The House divided. The No's go forth: 241 to 195M and 194 to 195L

Tellers for the Year's } Sir Samuel Young } Year's 139.
Mr. Chadwick }

Tellers for the No's { Mr. Shackerly } Nos 115,
Mr. Goldwell }

So Resolved in the Affirmative.

Ordered, That the Clerk of the Crown do attend this House to-morrow morning with the Return for the said City of Worcester, in order to amend the same.

Die Jovis 8 Februarii, 1693. The Clerk of the Crown attending, according to order, and amended the Return for the said City of Worcester, by rasing out the Name of Samuel Swift Esq; and inserting the Name of Charles Cox Esq; instead thereof.

Burgus de Wilcotton-Basset in Com' WILTS.

DIE Luna 24 Martii, 1689. A Petition of *Thomas Webb Esq.* setting forth, That the Petitioner, notwithstanding the indirect Practices of *Arthur Brinsden* the Mayor of *Wootton-Basser*, and *John Watkins* the Town Clerk, was duly elected there; but that notwithstanding, the Mayor hath returned *John Willman* and *Henry St. John* Esquires, though the said *Henry St. John* was not duly elected; and praying a speedy Day for hearing of the Cause, and Relief, &c. was read and referred.

And in the following Session, viz.

1690.

Die Luna 6 Octobris, 1690. Mr. Webb again Petitions, That notwithstanding the many indirect Practices of the Mayor and Town Clerk, he was duly elected for the said Burrough of Wootton-Basset; but that the Mayor notwithstanding had returned Henry St. John and John Windham Esquires, in injury to the Petitioner, &c. read and referred.

Die Veneris 19 Decembris, 1690. Ordered, That the Report from the Committee of Privileges and Elections, touching the Election for the said Burrough of Wootton-Basset, be made on Monday Morning next, when the other Reports from the said Committee are made. And accordingly

Report.

Die Luna 22 Decembris, 1690. Mr. Gray reported from the Committee of Privileges and Elections the Matter of the said Election, referred to them upon the Petition of Thomas Webb Esq; complaining of an undue Election and Return of Henry St. John Esq; viz.

That on the behalf of the Petitioner was called

Charles Brindson, who said, he took the Poll at the request of the Petitioner, and that on his Poll the Numbers were, For the Petitioner — 90

And for the sitting Member — 90

And it being suggested to the Committee, that many of the Petitioner's Voters were obtained by Bribery, the Committee were of Opinion, that if any Bribery could be proved, the Council should apply themselves first to that matter; and that thereupon:

For the sitting Member was produced

John Wilkins, who testified, that Mr. Knighton, who was an Agent with two others for the Petitioner, told him, he was very much engaged for the Petitioner; and desired him, the said Wilkins to make a Bond to indemnify him and the two other Agents; and accordingly he did make a Bond, wherein young Mr. Webb and his Father were bound to indemnify the said Agents; that he did not see the Bond sealed, but Mr. Knighton told him afterwards it was sealed, and that he had paid 30 s. and half a Crown to all the Petitioner's Voters, except eight; That Weston the Petitioner's Man carry'd a Bag of Money through the Town upon his Shoulders, with a pair of Bag-pipes playing before him.

Thomas Parsons, Charles Massin, and Gabriel Robins said, that they were promised 30 s. each, and half a Crown to vote for the Petitioner, and accordingly voted, and received their Money at Knighton's House.

On behalf of the Petitioner, a Paper was produced as signed by Parsons, importing a Receipt for 1 L. 12 s. 6 d. for Meat and Drink for the Voters: But Parsons himself said, he could neither write nor read, and deny'd he did ever put his Mark to that Paper, or expended any Meat or Drink for the Voters.

Another Paper was also produced, as signed by Parsons, whereby he declared, that the Mayor offered him and two others 30 s. a piece, not to give their Votes for Mr. Webb, which Parsons also deny'd, but it was proved by Brindson.

Weston said, that the Night before the Witnesses were to go to London, Parsons said, that some of Mr. St. John's Agents would give 10 l. to go to London to swear Bribery, that the said Parsons did not name any Agents.

And that upon the whole matter, the Committee came to the following Resolution, viz.

"Resolved, That Henry St. John Esq; is duly elected a Burgess to serve in this present Parliament for the Burrough of Wootton-Basset.

To which Resolution the House agreed. And

Ordered, That John Knighton, one of the Aldermen of the Burrough of Wootton-Basset in the County of Wilts, be taken into the Custody of the Serjeant at Arms, for his distributing of Bribes to the Electors of the said Burrough, at the Election of Burgesses to serve in this present Parliament for the said Burrough.

1691.

Die Jovis 22 Octobris, 1691. in the following Session. A Complaint being made to the House against one John Knighton, one of the Aldermen of the said Burrough of Wootton-Basset, that he had distributed Bribes to the Electors of the said Burrough at the Election of Burgesses to serve in this Parliament for the said Burrough.

Ordered, That it be referred to the Committee of Privileges and Elections, to consider and examine the said Matter, and to report the same, with their Opinion therein, to the House

Civitas de York.

In Little Domesday-Book, under the Title Eurniscire, is this Entry, viz.

Lit. Domesday, fol. 298.

In Eboraco Civitate Tempore Regis Edwardi præter Scyram Archiepiscopi fuerunt 6 Scyraz, una ex his est vastata in Castellis; In quinque Scyris fuerunt 1418. Mansiones hospitatz, (i.e. Such as were lett for an Annual Rent, and the Inhabitants bound to reside in them) De supradictis omnibus Mansionibus sunt modo hospitare & in manu Regis reddentes Consuetudinem quadraginta novem minus, inter Magnas & Parvas, & 400 Mansiones non hospitatz (i.e. had no constant Inhabitants ty'd to Residence, but such as went and came as they pleased) quæ reddunt meliores 1 Denar. & aliaz minus, & 340 Mansiones ita vacuæ quod nil omnino reddunt; & 145 tenent Francigenæ; (and no mention of Burgeses, but after the following manner) Sanctus Cuthbertus (i.e. the Church of Durham) habet 1 Dornum, quam semper habuit, ut plures dicunt, quietam ab omni Consuetudine; sed Burgeses dicunt non eam fuisse quietam T. R. E. nisi sicut una Burgenfium nisi tantum quod propter eam habebat Theloneum suum, &c. which, as translated by Dr. Brady is, That by reason thereof he paid no Toll, i.e. for things bought and sold in the Market, as Vissuals, &c.

Johannes Dei Gratia, &c. Scitis nos concessisse Civibus nostris de Eboraco, omnes libertates & leges & consuetudines suas, & nominatim Gildam suam Mercatorium, & Hanses suas in Anglia & Normannia, & Lestagia sua per totam Costam Maris quietam, sicut ea unquam Melius & Liberius habuerunt tempore Regis Henrici Avi Patris nostri; Et volumus & firmiter præcipimus quod prædictas libertates & consuetudines habeant & teneant cum omnibus libertatibus prædictæ Gildæ suæ & Hansis suis pertinentibus ita bene, & in pace libere & quiete, sicut unquam Melius liberius & quietius habuerunt & tenuerunt tempore prædicti Regis Henrici Avi Patris nostri, sicut Carta ejusdem Patris nostri & Carta Regis Ricardi fratris nostri rationabiliter testantur: Præterea sciatis nos concessisse, & præsentī Carta confirmasse, omnibus civibus nostris Eboraci quietanciam cujuscunque Thelonei, & Lestagii, & Dewree, & Pontagii, & Passagii, & de Trespass, & de omnibus Costivis per totam Angliam, & Normanniam, & Aquitaniam, & Andegaviam, & Pictaviam, & per omnes Portus & Costas, Maris Angliæ & Normanniæ, Aquitaniz, Andegaviæ, & Pictaviæ: Quarum volumus & firmiter præcipimus, quod inde sint quieti & prohibemus ne quis super hoc disturbet super decem libras forisfacturæ, sicut Carta Ricardi Regis fratris nostri rationabiliter testatur. Testibus G. Eboracensi Archiepiscopo, Ph. Dunelmensi Episcopo, Gaufrido filio Petri Comitis Essex, &c. Data per Manum S. Wellensis Archidiaconi & Johannis de Gray, apud Eboracum vicesimo quinto Die Martii, Anno Regni nostri primo.

Rot. Cart.
1 Johannis
pars 1.
No 75.

The Return to Parliament for the City of York in the 2d of H. 5. is to this effect, 2 H. 5. viz. That the Mayor of York, and Thirteen more, Concives (named in the Return) plenam Potestatem de tota Communitate habentes elegerunt duos Cives idoneos, &c. In witness whereof they put their particular Seals to the Indenture of Return.

DIE Jovis 15 Martii, 1676. Sir Thomas Meers reported from the Committee of 1676. Privileges and Elections, That the Committee having examined the Matter of Report. the Case, and the Evidence thereupon, touching the Election and Return for the City of York, had agreed upon a Vote, and resolved nemine contradicente to be reported to the House, as their Opinion: Which was also nemine contradicente agreed unto by the House, viz.

“That Sir Henry Thompson is duly elected to serve in this present Parliament as a Citizen for the City of York.

Die Mercurii 7 Maii, 1690. Ordered, That the Report upon the Double Return 1690. and Election for the City of York be made upon Saturday Morning next. But,

Die Sabbati 10 Maii, 1690. Ordered, That the Reports from the Committee of Privileges and Elections for the said City of York, and for the Burroughs of Aldborough and Knaresborough in the County of York, be made upon Thursday Morning next. (Which see in their proper Titles.) But were not reported till

Die Sabbati 17 Maii, 1690. When Mr. Gray reported (*inter alia*) the Case touching the double Return and Election of a Citizen for the said City of York, as follows, viz.

That the Question was, Whether Edward Thompson Esq; or Henry Thompson Esq; was duly elected; and that upon the Poll either of them had equal Voices, viz. 841.

That for Edward Thompson the Council produced William Lunn, who said, that Michael Wharton, Marmad. Aiscough, Richard Hardy, and William Mackpiece polled for Mr. Edw. Thompson, but were not entred for him in the Poll; and produced a List of 54 Names, who the Council insisted had no right to poll; and of one Chamley that was dead before; and of four that polled twice for him: But as to the 54, all were justified, except about 24; and Chamley was not proved to be alive at the Poll.

That for Mr. Henry Thompson, they produced a Witness who testified, That 22 had voted for Mr. Edward Thompson, that were made free since the Teste of the Writ; but it appeared that 14, who were likewise made free since the Teste, had voted for Mr. Henry Thompson; and produced a List of 49 that had voted for Mr. Edward Thompson, that they insisted were not qualified; but they were all justified to the number of about 16.

That for Mr. Henry Thompson they produced a Witness, who said, that as to three Persons, their Names were set down twice; and Thomas Swaile of Bolton, and Thomas Swaile Tanner are the same; and that one Henry Hutchinson had voted for Mr. Henry Thompson, but not entred in the Poll-Book. And that upon the whole matter the Committee came to this Resolution, viz.

“Resolved as their opinion, That Henry Thompson Esq; is duly elected and returned a Citizen to serve in this present Parliament for the City of York.

To which Resolution the House agreed. And

Ordered, That the Clerk of the Crown do attend this House on Monday morning with the said Return, in order to amend the same.

Die Luna 19 Maii, 1690. The Clerk of the Crown attending according to the said Order, was called in and amended the Return, according to the Resolution aforesaid.

1698. *Die Veneris 16 Decembris, 1698.* A Petition of Edward Thompson Esq; setting forth, That at the Election of Citizens to serve in this present Parliament for the said City, the Petitioner, Sir William Robinson, and Tobias Jenkins Esq; stood as Candidates; and many illegal Practices were used to gain Voters against the Petitioner, by giving Money to purchase their Freedoms since the Dissolution of the last Parliament, and after the Order for calling the present Parliament; That the Mayor of York denied the Petitioner a sight of the Names of those that were so made free; and threaten'd several, who said they would vote for the Petitioner, to quarter Dragoons upon them, and did so, though contrary to Law; and turning others out of their places, for saying they were obliged to vote for the Petitioner; and that he was deny'd the Scrutiny of the Poll, though he did demand it before the Books were closed; and by many other illegal Practices, Mr. Jenkins procured himself to be returned, in wrong to the Petitioner, who upon a fair Election would have had the majority of legal Voters; and praying such Relief in the Premises as the House shall think fit; was read and referred. But nothing further done therein.

Villa de Great-Parmouth in Com' NORFOLK.

In Biblioth.
Cotton.
Claudius
E. 8. fol. 5.

Lit. Domest.
day, f. 118.
Nordfolc.

Memorandum quod Villa Magna Jernemu non modico tempore ante conquestum extitit situata per Progenitores Regis Angliæ super portum Magna Jernemu, occasione proficui provenientis de eodem portu, ad Meliorationem ejus Villæ percipiendi & factus fuit Burgus Regis; unde in libro qui vocatur *Domesday* reperiuntur verba quæ sequuntur.

Jernemu tenuit Rex Edwardus semper septuaginta Burgenses tunc valuit cum duabus partibus Soche de tribus Hundredis 18 l. ad numerum & pars Comitibus 9 l. ad numerum modo duæ partes Regis 17 l. 16 s. & quatuor Denarios blancas, pars Comitibus 10 l. blancas & vicecomes habet quatuor libras & unum ancipitem Terræ de Gersuma, has quatuor libras dant Burgenses gratis & amicitia; In eadem habuit tempore Regis Edwardi Ailmarus Episcopus quandam Ecclesiam Sancti Benedicti, eandem modo habet W. Episcopus de Episcopatu & Valet 20 s. totum reddit 12 d. de Gelto.

Dimidium

Dimidium Hundredi de Luthinglond Gorleston tenuit Guertus tempore Regis Edwardi quinque carucas Terræ pro uno Manerio, tunc viginti villani modo duodecim, semper quinque Bordmanni; tunc quinque servi modo quatuor, tunc in Dominico duæ carucæ modo una, tunc boves 5 caruc. modo 3. Silvæ quinque porcorum decem acra prati tres, Salina tunc, 2 Runcini, modo duo, semper trecentæ oves, in Gernemu viginti quatuor piscatores pertinent huic Manerio.

Ibid. fo. 283.
4. Sudfolc.

Et sciendum quod Progenitores, Domini Regis tenuerunt prædictum Burgum in manibus suis propriis precipiendo, omnia proficua exeuntia de portu prædicto, usque ad tempus Regis Johannes, qui concessis villam prædictam Burgenfibus, villæ prædictæ, ad feodi firmam reddendo sibi, & hæredibus suis, quinquaginta, & quinque libras, per annum, ad quod solvendum nihil aliud habent nisi consuetudinem, & alia proficua provenientia de portu prædicto nec capiant aliquas consuetudines, de rebus venditis vel emptis in Mercato super terram nullo tempore anni.

Vile Rot.
Cart. 9 Jo.
hannis, No.
201 infra.

Et post modum tempore Regis, * Henrici Anno Regni suo duodecimo, ortis aliquibus contentionibus, inter homines de Jernemu, & Rogerum filium Osberti, custodem Manerii de Luthinglond, de consuetudinibus quas idem Rogerus cepit in portu prædicto, contra libertates ipsorum hominum de Jernemu idem Dominus Rex, Anno Regni sui prædicto, volens certorari quæ consuetudines pertinuisent prædictis, hominibus de Jernemu, & quæ Manerio suo de Luthinglond assignavit Martinum de Pateshull ad inquirendum super præmissis. Et facta fuit inquisitio apud magnum Jernemu, Anno Regis Henrici duodecimo, Sacramento viginti quatuor de Comitatu Norfolciæ, & viginti quatuor de Comitatu Suffolciæ, tam Militum quam aliorum per quam quidem inquisitionem fuit compertum quod omnia magna Mercimonia vendi deberent & discarcari, apud magnam Jernemu, & quod tota aqua spectabat, ad Homines de Jernemu, sed quod minuta Mercimonia & victualia discarcari poterant versus partes de Luthinglond, vel versus Jernemu pro voluntate eadem adducentium, prout in Record. habito coram præfato Martino & Sociis suis plenius apparet & pater quod Præscriptio omnium rerum venalium, quam Johannes de Britannia, Comes Richmond, Homines & Tenentes sui, villarum Parvæ Jernemu, & Gorleston penitus est interrupta.

* i.e. H. 3

Postea vero prædicti Burgenfes percipientes quod per prædictam inquisitionem fuerunt damnificati in hoc quod naves cum victualibus poterant discarcare versus partes de Luthinglond, præcipue cum Seifona piscationis fuit potissimum eorum proficuum; accesserunt ad prædictum Dominum Regem Henricum & obtinuerunt, ab ipso quod idem Rex Henricus, Anno Regni suo quadragesimo prædicto manerio de Luthinglond, in manu sua existente per Cartam suam concessit iisdem, quod omnia Mercandisæ & Mercimonia tam de piscibus quam de aliis rebus, ad portum de Jernemu in navibus vel extra inventa per manus, hujusmodi Mercandarum deferentur apud magnum Jernemu, vendantur, &c. Quibus libertatibus prædicti Burgenfes & antecessores sui usi fuerunt pacifice.

Sed postea quia videbatur præfatis Burgenfibus quod verba contenta in Carta Domini Regis Henrici prædicta nimis extiterant obscuræ accesserunt ad nobilem Regem Dominum Edwardum Avum Domini Regis nunc, & petierunt sibi declarationem fieri de verbis antedictis, qui quidem Rex Edwardus, Avus, &c. per avisamentum magni Concilii sui prout patet in * memorandis de Scaccario suo anno Regni sui tricesimo quarto, de Terminis Sanctæ Trinitatis non obstante reclamatione Adæ Bacoun Clerici, Johannis Kybel, & Johannis de Belton, missorum ibidem per homines de parva Jernemu & Gorleston prædicto manerio de Luthinglond, in manu ipsius Regis Avi existente, concessit etiam Burgenfibus, & Successoribus suis quod omnia Mercandisæ & Mercimonia quæcunque fuerint, sive de piscibus seu de aliis rebus quibuscunque, quæ infra dictum Portum dictæ Villæ nostræ magnæ Jernemu in navibus aut batellis seu alio modo adduci seu deferri contingeret; ut ibidem negotiaretur de eisdem apud eandem Villam de magna Jernemu, & non alibi infra portum prædictum discarcarentur, & Causum exprimit in eadem Carta pro eo quod prædicta Villa sua de magna Jernemu, fuit liber Burgus suus, & per progenitores suos situata extitit super portum suum prædictum occasione proficui de eodem portu suo provenientis, ad meliorationem Villæ, suæ percipiendi quibus quidem libertatibus iidem Burgenfes post confessionem ejusdem Cartæ, usi fuerunt & gavisi eo quod omnia Mercandisæ, & Mercimonia infra portum prædictum adducta tam in Navibus Hominum, & Tenentium ipsius Comitatus Villarum parvæ Jernemu & Gorleston, quam in Navibus aliorum quorumcunque exposita fuerunt venditioni, vendita & discarcata apud magnam Jernemu virtute Cartæ prædictæ, & juxta tenorem ejusdem quod omnibus est publicum & notorium in partibus eidem Villæ magnæ Jernemu circumjacentibus.

Declaratio,
Henrici 3.
superinde.

* Vide
Record infra.

Et

Et sciendum est, quod omnes libertates prefatis Burgenfibus concessa per Cartas Regis superius annotatas sunt confirmata per Dominum Edwardum Patrem Regis nunc, & per Dominum Regem nunc; Et in confirmatione Patris Regis nunc, continetur quod licet Burgenfes predicti vel eorum successores aliqua vel aliquibus libertatum predictarum hactenus usi non fuerunt eisdem tamen gaudeant & utantur.

Northf. &
Suffol. de
hominibus,
de Jerne-
muth, & Lu-
thringlond.

Inter Recorda de Termino Sanctae Trinitatis, Anno 34 Edwardi 1. Rot. vel. No. 43. sic irrotulatur, viz. Memorandum quod congregatis in Scaccario Regis apud Westm^o modo scilicet die Jovis in Vigilia Natalis Sancti Johannis Baptistae, venerabili Patre Willielmo Conventrensi & Lichfeldensi Episcopo Domino Regis Thesaurario Willielmo Hamelton Cancellario Angliae R—— la Brabazon Justiciario ad placita coram Rege placitanda deputato Baronibus de Scaccario predictis Justiciario de Banco, & quibusdam aliis de Consilio Regis predicti super quibusdam negotiis Regis transactantibus venerunt coram eis Henricus Rose, & Willielmus Fastolf, Burgenfes Villae Regis magnae Jernemuthae, & supplicarunt pro se & aliis Burgenfibus Villae predictae, quod cum per Cartam Domini Regis Henrici quondam Regis Angliae de magna Jernemutha, quod omnia Mercandisia & Mercimonia tam de piscibus quam de aliis rebus ad Portum de Jernemutha venientia in Navibus vel extra libere & aperte per manus hujusmodi Mercimonia deferentium absque alicujus impedimento vendantur & emanant, ita tamen quod non sint abrocatores in praedicta Villa de Jernemutha, per quos venditores vel emptores de venditionibus vel emptionibus suis libere faciendis impediuntur, ad detrimentum Villae, memoratae quod ad majorem notificationem & expressionem praemissorum concedatur eis inde declaratio sub hac forma, (videlicet) quod mercandisia & Mercimonia quaecunque, five sint de piscibus, five de rebus aliis quibuscunque quae infra portum Villae praedictae vel ad eandem Villam per terram, vel per mare causa negotiandi ibidem, de eisdem adduci seu deferri contigerit libere & aperte apud eandem Villam de magna Jernemutha, per manus Merchandisiae & Mercimonia illa ducentium, & ea ibidem vendere volentium seu servientium suorum venditioni exponantur, & ibidem vendantur & emanant absque aliquo forstallamento vel abrocamento, seu alio quovis impedimento, ita quod nullus forstallarius, abrocator vel alius quicunque obviam eat Mercatoribus cum piscibus, vel aliis Mercandisiis, aut aliis rebus venalibus per terram vel per aquam, versus dictam villam venientibus aliqua inde emenda, vel forstallamenta seu abrocamenta inde facienda, sub forstactura rei emptae, per quod dicti Burgenfes seu aliqui mercatores hujusmodi Mercandisiae & Mercimonia ibidem ducentes super emptionibus & venditionibus ad detrimentum Villae praedictae aliququaliter impediuntur.

Et super hoc obtulerunt se coram Concilio praedicto Adam Bacon, Clericus, Johannes Kybel de Gorleston, & Johannes de Belton, de Suth Jernemutha, quae sunt in Luthringlond dicentes & proponentes quod dicta declaratio si concessa fuerit, multum cederet in prajudicium & perpetuam deteriorationem hominum villarum earundem quae quidem Villae sitae sunt prope portum praedictum, dicunt enim quod semper retroactis temporibus naves ingredienti portum illum in seisona piscationis allecis discarcari solebant pro voluntate Magistrorum, navium illarum, tam ad illas Villas quam ad magnam Jernemutham, (videlicet) ad quem locorum praedictorum illi quorum interfit vendere Mercimonia in hujusmodi Navibus carcata vellent exponere, ea venditioni & ibidem vendi & emi absque ullo impedimento; & per praedictam declarationem si concessa esset, in forma praedicta attraherent Burgenfibus magnae Jernemuthae, toto tempore anni omnimodas naves cum quibuscunque Mercimoniis applicantes in portu praedicto ad eandem, Villam & non permetterent hujusmodi naves alibi discarcare, nec aliqua mercimonia in eisdem navibus adducta alibi, venditioni exponere, &c. Unde petierunt pro statu hominum villarum praedictarum in Ludinglond, quod nulla concessio fiat in hac parte in laesionem vel derogationem consuetudinum suarum, pacifice hactenus obtentarum super emptionibus & venditionibus faciendis, ad easdem Villas ut praedictum est, &c.

*Nota, Liber
Burgenf.

Et praedicti Henricus & Willielmus dicunt magna Jernemutha est * Liber Burgus Regis & tenetur de ipso Rege ad feodi firmam quinquaginta quinque librarum per annum, eo quod non est aliquod certum in Villa praedicta spectans ad firmam illam, unde aliqua pars inde exeat vel emergat, sed quod ipsi Villae ejusdem ratione proficui quem habent & habere clamant de rebus venalibus adductis ad portum praedictum vendendis ad eandem Villam, & pro aliis libertatibus quae ad liberum Burgum pertinent, & quas Rex scilicet, * Avus Regis nunc & Rex Henricus Pater Regis nunc, per cartas suas eis concesserunt, quod & ipse Rex nunc per cartam suam confirmavit solverent annuatim firmam supradictam, &c. Et ostendunt cartam Regis nunc de confirmatione cartarum praedictarum Avi sui & Patris sui, quae testatur magnam Jernemutham esse liberum, &c. Et de Rege teneri ad feodi firmam, &c. Et plures & diversas libertates hominibus

* i.e. King
John.

hominibus ejusdem villæ & eorum Hæredibus & Successoribus esse concessas inter quas ad plenum continetur quod superius in principio hujus processus de concessione Patris Regis nunc exprimitur, &c. Et petunt quod explanatio five declaratio quam petunt super concessione illa concedatur, non obstante reclamatione dictorum Adæ Johannis, & Johannis pro hominibus prædictis de Ludinglond, præsertim cum ipsi, non ostendant nec ostendere poterunt, quod villæ de Suth Jernemutha, & de Gorleston sint Burgi vel aliquam libertatem ad Liberum Burgum pertinentem habeant per Carram Regis, &c. Adjicientes quod nisi inhabitantes villas illas, qui ex concessione Regia nullas habent libertates, &c. compellantur subtrahere & delere usurpationes & forstallamenta quæ faciunt & indies facere nituntur contra libertates magnæ Jernemuthæ, &c. Attrahentes eis mercandisas, & mercimonia quorumcunque adducta ad prædictum portum, & non permittentes, mercimonia hujusmodi transduci seu transferri ad villam magnæ Jernemuthæ ibidem venditioni exponenda & vendenda ad quam villam & non aliam spectat portus prædictus eadem in proximo penitus adnubilabitur, unde pro Rege & statu villæ suæ opportunum remedium petent eis adhiberi in hac parte & habito inde tractatu per Concilium Regis prædictum visaque & examinata Carta Regis prædicta, &c. Et quesito etiam a præfatis, Adæ, Johannes, & Johannes si aliquam Carram Regis habeant de aliquibus libertatibus concessis hominibus villæ parvæ Jernemuthæ, & Gorleston, & obtento quod non visum est concilio prædicto quod per verba expressa in prædictis, Cartis Regum Johannis & Henrici confirmatis per Regem nunc, &c. Et per hoc quod prædicta villa de magna Jernemutha est Liber Burgus, &c. quod omnia mercimonia adducta ad portum prædictum tum de piscibus, quum de aliis rebus vendenda, &c. Exponi debent venditioni & vendi, ad villam magnæ Jernemuthæ, &c. & non ad prædictas villas in Ludinglond quæ non sunt Burgi, &c. unde dictum est præfatis Adæ, Johanni, & Johanni de Belton, quod ipsi scire faciant hominibus prædictarum villarum in Ludinglond pro quibus Sequuntur quod nullus eorum præsumat attrahere ad suas partes aliquas naves applicantes in portu prædicto cum aliquibus mercandis seu mercimoniis vendendis, nec de hujusmodi mercandis, seu mercimoniis venditiones seu emptiones ibidem facere quoquo modo, quo minus Mercandisæ, & mercimonia illa libere & aperte absque impedimento seu aliquo forstallamento transduci possint ad prædictum Burgum Regis Jernemutham, & ibidem prius exponi venditioni & vendi per manus illorum quorum mercandisæ & mercimonia illa fuerint, vel Attornatorum eorundem, prout justum fuerit & prout per libertates hominibus Burgi prædicti a Domino Rege & Progenitoribus suis concessas fieri debet, &c.

Charta Regis Johannis ad Portum Magnæ Jernemu. concessu.

Johannes Dei Gratia, &c. Sciatis nos concessisse & præfenti Carta nostra confirmasse Burgenfibus nostris de Gernemua, quod habeant Burgum de Gernemua ad feodi firmam in perpetuum, & quod Burgus ille sit liberi Burgus imperpetuum, & habeant Socam & Sacam, Tol & Theam & Infangenethef & Utsfengenethef, & quod ipsi Burgenfes per totam terram nostram, & per omnes portus maris sint quieti de Theoloneo Lestagio, Passagio, Paagio, Pontagio, Stallagio & de Leve, & de Denegeld, & omni alia consuetudine, salva libertate Civitatis London, & quod nullam sectam Comitatum vel Hundredorum faciant de tenuris infra Burgum de Gernemua. Concessimus eisdem Burgenfibus & hac Carta nostra confirmavimus, quod nullus eorum placitet extra Burgum de Gernemua de nullo placito præter placita de tenuris exterioribus. Concessimus etiam eis quietantiam mûdri infra Burgum de Gernemua & quod nullus eorum faciat Duellum, & quod de placitis ad Coronam pertinentibus se possint dirationare secundum legem & consuetudinem Oxon, & quod infra Burgum prædictum nemo capiat hospitium per vim, vel per liberationem Marescallorum, & quod in Burgo illo in nullo placito sit meskenninga, & quod Husting semel tantum in ebdomada teneatur. Concessimus etiam eis Gildam mercatoriam, & quod terras & tenuras vadia sua & debita sua omnia juste habeant quicunque eis debeat, & de terris suis & tenuris quæ infra Burgum prædictum sunt rectum eis teneatur secundum legem & consuetudinem Burgi Oxon, & de omnibus debitis suis quæ accommodata fuerint apud Gernemuam & de vadiis ibidem factis placita apud Gernemuam teneantur: Et si quis in tota Anglia Theo-

Rot. Cart.
9 Johannis.
No. 20.

lonia vel consuetudines a Burgenfibus de Gernemua ceperit, excepta ut superius dicta Civitate London, postquam ipse a recto defecerit Præpositus de Gernemua Namium apud Gernemuam capiat. Insuper ad emendationem prædicti Burgi de Gernemua concessimus quod quinque mercatores petierint Burgum de Gernemua cum mercato suo de quocunque loco fuerint, five extranei five alii qui de pace nostra fuerint vel de licentia nostra in terram nostram venerint, veniant, morentur & recedant, salva pace nostra reddendo rectas consuetudines illius Burgi. Prohibemus etiam ne quis prædictis Burgenfibus injuriam vel dampnum vel molestiam inferat super forisfacturam decem librarum. Quare volumus & firmiter præcipimus quod prædicti Burgenfes de Gernemua & eorum hæredes habeant & teneant imperpetuum omnia prædicta hæreditarie bene & in pace libere, quiete, integre, plenarie & honorifice reddendo inde annuatim quinquaginta & quinque libras numero, per manum Præpositi de Gernemua ad Scaccarium nostrum ad Terminum Sancti Michaelis, & Burgenfes de Gernemua facient Præpositos de se per annum qui sint idonei nobis & eis Testibus, Domino H. Wintoniensi, Domino J. Norwicensi, S. Sarisberienfi Episcopis, G. Filio Petri, W. Marefcallo Comite Pembroke, W. — fratre nostro, Comite Sarum, W. Comite de Ferrariis, Petro filio Herberti, W. Briwer, H. de Nevill, Adamo de Portu, Garino filio Geroldi, Willielmo de Cantilupo, Johanne de Basing, Galfrido Lutterel, Thoma filio Adæ. Datum per manum, H. de Well. Archidiacono Wellensi apud Merleberg decimo Octavo die Martii, Anno Regni nostri nono.

*Carta Regis Edwardi tertii de libertatibus Portus Magnæ Jernemu.
Anno Regni sui Sexto.*

EDwardus Dei Gratia, Rex Angliæ, Dominus Hybernæ & Dux Aquitaniæ, omnibus ad quos præsentis literæ pervenerint Salutem. Sciatis quod cum celebris memoriæ Dominus Edwardus nuper Rex Avus noster per Cartam suam, quam Dominus Edwardus nuper Rex Angliæ Pater noster per Cartam suam, & nos similiter per Cartam nostram confirmavimus, concessisse Burgenfibus nostris villæ nostræ magnæ Jernemu, quod omnia mercandisæ & mercimonia quæcunque sint, five de piscibus, five de aliis rebus quibuscunque quæ infra portum nostrum dictæ villæ nostræ magnæ Jernemu in Navibus aut batellis seu alio modo adduci seu deferri contigerit, ut ibidem negotietur de eisdem licite & aperte, apud eandem villam de magna Jernemu & non alibi, in portum prædictum discarcentur & per manus mercandisæ & mercimonia illa ducentium seu deferentium & ea ibidem vendere volentium, seu per manus Servientium Suorum venditioni exponantur & ibidem quibus voluerint libere vendantur, & emanant absque aliquo forstallamento vel abrocamento, seu alio quovis impedimento. Ita quod nullus forstallarius abrocator vel alius quicunque obviam eat Mercatoribus cum piscibus aut aliis Mercandisæ & rebus venalibus versus prædictam villam nostram venientibus ad aliqua inde emenda seu forstallamenta, vel abrocamenta in dicta villa vel extra inde facienda sub forisfactura rei emptæ, per quod dicti Burgenfes seu aliqui mercatores hujusmodi Mercandisæ & Mercimonia ibidem ducentes super emptionibus & venditionibus suis apud eandem villam nostram de magnæ Jernemu faciendis ad detrimentum ejusdem villæ aliquantulum impediuntur prout in Carta nostra plenius continetur. Ac inter Johannem de Britannis Comitem Richemond, & Homines in Tenentes suos, villarum parvæ Jernemu & Gorleston ex parte una, & communitatem dictæ villæ magnæ Jernemu ex altera, occasione quorundam impedimentorum factorum per præfatos Burgenfes colore dictæ Cartæ dicti Avi nostri (ut dicebatur) eisdem Hominibus & Tenentibus villarum parvæ Jernemu & Gorleston de proficuis capiendis de carcatione & discarcatione navium venire volentium ad easdem villas parvæ Jernemu & Gorleston, & de emptione & venditione rerum venalium. Idem placitum in diversis Curiis nostris tam Parliamentis quam aliis habitum fuisset quod in placito illo inter easdem partes per nos & Concilium nostrum consideratum fuit quod idem Comes & Hæredes sui, nec non Homines & Tenentes dictarum villarum parvæ Jernemu & Gorleston, Hæredes & Successores sui proprias naves suas cum rebus & mercandis in eisdem Navibus carcatis seu de allece, seu de aliis piscibus, rebus, & mercandis quibuscunque ad easdem villas parvæ Jernemu & Gorleston, carcare & discarcare, & res & mercandis suas ibidem venditioni exponere, & alias commodum suum inde facere valeant, pro eorum libito voluntatis, solvendo inde ibidem illis quos nos vel hæredes nostri

nostri ad hoc deputabimus customas debitas & consuetas, quadam submissione quorundem hominum, & tenentium dictarum villarum parvæ Jernemu & Gorleston, & etiam quorundam Burgenfium dictæ villæ magnæ Jernemu ad quosdam de consilio nostro ad dictum negotium inter partes prædictas finaliter terminandum, nec non quadam ordinatione per ipsos de eodem Consilio inter easdem partes inde facta, seu prædicta Carta ipsius Avi nostri non obstante. Ita videlicet quod eorum naves Laniis, Coriis & pellibus lanutis suis de quibus magnæ customæ dari debent in eodem portu in loco ubi Thronus noster & sigillum nostrum quod dicitur Coker existunt & non alibi carcentur. Et quod voluntas nostra & intentio nostra & ipsius Consilii nostri fuit, quod dicta Carta ipsius Avi nostri prædictis Burgenfibus villæ magnæ Jernemu ut præmittitur, facta per istam considerationem, quoad alios in nullo sit restricta, sed quod locum suum habeant & effectum in omnibus, gentes omnes, tam indigenas, quam alienigenas præterquam eosdem Comitem Homines & Tenentes dictarum villarum parvæ Jernemu & Gorleston, Hæredes & Successores suos in forma supradicta, Salvo jure Civium Civitatum London. Norwici, Baronum de quinque portibus & aliorum quorumcunque, si quod habeant per Cartas de antiquiori data cartæ ipsius Avi nostri vel alio modo in hac parte: Et quod dictum fuit & inhibuit per nos & dictum Consilium nostrum præfatis Comiti, Hominibus & Tenentibus dictarum villarum parvæ Jernemu & Gorleston, ne sub gravi forisfactura nostra ad easdem villas parve Jernemu & Gorleston naves aliorum attraherent quovismodo, nec Mercandisas aliquas in Aquam portus prædicti cum aliquibus per prædictam Cartam dicti Avi nostri restrictis exerceant, nec impedimentum aliquod faciant, quo minus iidem Burgenfes dictâ Cartâ ipsius Avi nostri gentes alias sicut prædictum est in omnibus suis articulis, juxta vim & efficaciam ejusdem uti valeant & exercere. Et quod dictum fuit inhibuit tam præfatæ Communitati, quam præfatis Hominibus Tenentibus parvæ Jernemu & Gorleston, ne quicquam contra considerationem & inhibitionem prædictas attemptare præsumant, sub forisfactura supra dicta prout in Recordo & processu inhibitis & in Cancellaria nostra residentibus plenius continetur, nos ne præmissa quæ pro tranquillitate & quiete partium prædictarum & justitia manutenenda per nos & præfatum Consilium nostrum sic considerati fuerunt futuris temporibus in dubium revocentur ea tenore præsentium duximus testificanda. In cujus rei testimonium has literas nostras fieri fecimus patentes Teste me ipso apud Wodestock, decimo die Julii, Anno Regni nostri Sexto.

1694.

Burgus de Parmouth, in Com' SOUTHAMPTON.

DIE Martis 12 Martii, 1694. Mr. Foley reported from the Committee, who were appointed on Thursday last to inspect the Books of the East India Company, and also the Books of the Chamberlain of the City of London, relating to the Orphans of the said City, the several matters as they appeared to the Committee.

See the matter of the East India Company entred at large in the Journal.

And as to the Orphans of the said City, he reported as follows, viz.

That the Committee found an order of the Common Council for the City of London, dated the 24th of January, 1693. which nominated and appointed Sir Thomas Stamp, Sir Francis Child, Sir James Houblon, and Sir William Hedges, Knts. and Aldermen, Sir Henry Furnese, Knt. Mr. Deputy Ayres, Mr. Gilbert Heathcot, Mr. John Johnson, Collonel Thomas Cuthbert, Mr. Thomas Cudden, Mr. John Harvey, Mr. Daniel Dorville, Commoners, or any 2 of the said Aldermen, and 4 of the said Commoners to be a Committee to consider of Ways and Means for satisfying the Debts due to the Orphans of this City, and to sollicite the Parliament for a Bill for that purpose, in which it is ordered, That Mr. Chamberlain do from time to time issue out and pay all such Sums of Money as are required by, and necessary for the said Committee, for promoting the said Service, and the Members who serve for this City in Parliament, are desired to be assisting to the said Committee, as there shall be occasion, and Mr. Borret, the City Solicitor is to attend the said Committee.

That the Committee found an Order made by the said Committee, dated the 12th day of February, 1693. reciting the said Order of Common Council, and ordering that Mr. Chamberlain do pay to the Honourable Sir J. T. Knt. Speaker of the Honourable

honourable House of Commons, the Sum of One Thousand Guineas, so soon as a Bill be passed into an Act of Parliament, for satisfying the Debts of the Orphans, and other Creditors of the said City, which Order was Subscribed by all the Committee appointed by the Common Council, except Sir *James Houblon*, and Mr. Deputy *Ayres*; and on the back of the said Order was this Indorsement, *viz.*

The within mentioned One thousand Guineas were delivered and paid unto the Honourable Sir *J. T.* this 22^d Day of *June*, 1694. in the presence of Sir *Robert Clayton* and Sir *James Houblon*, which at 22 *s.* Exchange, comes to 1100 *l.*

In the Chamberlain's account of Cash, the Entry is thus, *viz.* Paid the 22^d of *January*, 1694. by order of the Committee, appointed by order of Common Council, to consider of ways and means for satisfying the Debts due to the Orphans and other Creditors of the City, and to solicit the Parliament for a Bill to that purpose, dated the 12th of *January* last, One Thousand Guineas, being paid to the Honourable Sir *J. T.* Knight, Speaker of the Honourable House of Commons, pursuant to the said Order; which at 22 *s.* Exchange is 1100 *l.*

That the Committee understood Sir *Robert Clayton* was ill and out of Town, and they sent for and examined Sir *James Houblon*, who said, he refused to sign the Order of the Committee of the 12th of *February*, not approving thereof; and being offered a second time, he refused it again, and abhorred it. But that Sir *Robert Clayton* did on the 22^d of *June*, 1694. send for him to come to him, who accordingly imagining it was only to meet some Aldermen, went to him, where he found the Chamberlain, and at Sir *Robert's* desire they went together to the Speaker to give him Thanks for his pains about the Orphan's Bill; and as soon as Sir *Robert* and He had passed a Compliment on the Speaker, the Chamberlain pull'd out a Note or Bill, which he delivered to the Speaker, which the Speaker took, and presently they all took their leave of him and came away. Sir *James Houblon* saith, he did not know the Contents of the Bill; but the Chamberlain said it was for 1100 *l.* and that within two or three days afterwards the Speaker sent for the Money, and had it accordingly; but he placed it to account, according to the day he delivered the Bill, which was the 22^d of *June*.

That the Committee observed, that the Order of the Committee of the Common Council, which now stands dated the 12th of *February*, was at first date the 13th of *February*; and that the Person named therein was put in by a different Hand; and examining who first wrote the Warrant, Mr. *Borret* owned it was his Hand-writing; and at first said, that he believed the Blank at first left therein was filled up with the Speaker's Name before the Committee signed it, because he believed they would not set their Hands to a Blank; but all the Committee who signed (who appeared upon Summons) declaring most of them positively, that there was a Blank for the Person's Name when they signed it, and the rest being doubtful, Mr. *Borret* afterward said, the Blank might be filled up afterwards, but he could not tell the time; Mr. *Borret* owned he filled up the Blank with another Pen.

Sir *Thomas Stamp* was out of Town, and Sir *Henry Furnese* was sick, the rest appeared before the Committee.

Sir *Francis Child* on his Examination owned he had subscribed the Paper of the 12th of *February*, as one of the Committee; but saith, he did not attend the Committee, nor Sir *Robert Clayton* when he attended the Speaker, and could give little account of this matter.

Sir *William Hedges* owned his Hand to the Order of the Committee, and that he was at the Committee who agreed this matter; he saith Mr. *Borret*, as he thinks, was the Person who told the Committee the Bill could not pass without giving that Sum; and though the Order was drawn with a Blank, yet the Discourse at the Committee was, that the Speaker was the Person to whom the Sum was to be given, but he knew nothing of the Speaker's being acquainted therewith.

Mr. *Daniel Dorville* owned he had subscribed the Order of the Committee, and said, that he attending in the Lobby at the House of Commons upon account of the Orphans, Mr. *George Finch* Merchant told him, that if there were not some Guineas given that Bill would not go on; and said, Two Thousand Guineas was necessary to give him, meaning the Speaker, as he understood; and that Mr. *Borret* likewise declared his opinion, that Money must be given, and he believeth Mr. *Borret* was the first that moved it in the Committee, and named the Sum; but after the Committee had agreed thereunto, the Bill going on, Mr. *Finch* asked what they had given, which Mr. *Dorville* refused to tell him; but he believes and understood, that before the Bill passed,

passed, or any thing material was done in it, the Speaker had notice of the said Order of the Committee, and approved thereof, but knows not whether by Mr. *Borret's* means, or by what other hand.

Mr. *Thomas Cudden* owned his signing of the Order of the Committee; and saith, the first Rise of this matter was, that having prosecuted a Bill for this purpose in former Sessions for a long time without effect, the Committee thought it proper to give this Sum to the Speaker for leave for the Bill to be brought in, and it was signed by the Committee before the Bill was carry'd into the House; and further saith, that Mr. *Dowse* and Mr. *Shephard*, and (he thinks) Mr. *George Finch* (Persons soliciting for the Orphans) told him, it would cost them as much as it would cost the City.

Mr. *John Harvey* owned the signing of the Order; and that in the Committee there was a Discourse of several Sums to be given to procure the Bill to pass, some naming 500 *l.* others 1000 *l.* some 2000 Guineas; but he doth not remember any Person named to receive the same.

Mr. *John Johnson* gave the like Testimony.

Mr. *Gilbert Heathcot* saith, he was not present at any meeting of the Committee, but that he was the last Person that subscribed the Order, which he did by the Example of those who subscribed before him.

Coll. *Thomas Cuthbert* owned his subscribing the Order, and that he was present at the Committee, where it was agreed to give 1000 Guineas, but knows not the rise or occasion of it, other than the Clamour of the Orphans; that the City were close handed, and thereby had done them no good, which he believes was the reason why the City did consent to give 1000 Guineas.

Mr. *Borret* being examined, owned he had in the Committee given his Opinion, that 1000 Guineas should be given to the Speaker; he saith, after the Order was signed it was kept in his hands for a month or six weeks, and then delivered back by him to the Committee. Being asked of his Belief, whether the Speaker knew of this Order before the Bill passed; he saith, he doth believe he did know of it; for he, to satisfy the Clamour of the Orphans, had told their Agent, who he believes had easie access to the Speaker; but that from the time of Signing to the time of his Examination, he had not been with the Speaker, nor sent to him.

That the Committee found another Order of the Committee, nominated by the Common Council, dated the 26th of April, 1694. reciting the Order of Common Council, and ordering the Chamberlain to pay to *Paul Jodrel Esq;* the Sum of One Hundred Guineas for his pains and service in assisting to pass the Bill in Parliament for satisfying the Debts of the Orphans, and other Creditors of the said City, which was subscribed by most of the Members of the said Committee, together with Sir *James Houlton* and Deputy *Airs*, who refused to sign the other Order of the 12th of February, on the back of which was the like Indorsement, that the One Hundred Guinea's were paid to *Paul Jodrel Esq;* the 22d of June, 1694. in the presence of Sir *Robert Clayton* and Sir *James Houlton*, and the Payment thereof was entred in the Chamberlain's Book the 23d of June, 1694. at 22 *s.* Exchange, being 110 *l.*

The Members who subscribed that Order owned their Hands, and said, it was after the Bill was passed.

That the Committee found in the Chamberlain's Books the several Payments following to Mr. *Borret* the City Solicitor, viz.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
January the 5th, 1693.	50	00	00
February the 26th, 1693.	100	00	00
March the 12th, 1693.	50	00	00
April the 7th, 1694.	39	14	00
May the 5th, 1694.	127	16	00

These Sums were apply'd to defray the Charge of drawing the Bill, making Copies thereof, and of Petitions and Orders with relation to the said Bill. Amongst which Payments they find,

February the 19th, Paid Mr. Solicitor General for his advice therein five Guineas.

February the 21st, Paid Mr. *Harcourt* by order five Guineas.

March the 23d, Paid Mr. *Hungerford*, Chairman of the Grand Committee, for his Pains and Service twenty Guineas.

March the 23d, Paid Mr. *Jodrell*, as by his Bill, 60 *l.* 9 *s.* 6 *d.*

Which Accounts were allowed by the said Committee.

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That

That the Committee understood, that the Orphans for the procuring of this Bill had given Bond to Mr. *Smith* and Mr. *Charles Nowis* to allow them 12 *d.* in the Pound when the Bill passed, for their Pains and Charges in that matter; which Contract being made void in that Bill, the Court of Aldermen were impower'd to satisfy them their real Expences; upon which they apply'd themselves to the Court of Aldermen, and got a Petition to be signed by many of the Orphans, that they were willing, notwithstanding the Act of Parliament, they should be allow'd 12 *d.* in the Pound. And the said *Nowis* and *Smith* brought in a Bill to the said Committee of their Charges, amounting to 3457 *l.* 16 *s.* but, as was alledged, they pretend to be a great deal more out of Purse, by which Argument they got Subscriptions to the said Petition; in which Bill there was charged, paid to Mr. *George Finch* for carrying on the Act 1650 *l.* And Mr. *Dowse* said, that Mr. *Smith* told him they were out of Pocket great Sums of Money upon account of the Orphan's Bill.

And when he was solicited to subscribe the Petition for their having 12 *d.* in the Pound, he would have had them take 6 *d.* To which they reply'd, it would not answer their Expectation, for they had been out in this matter more than Ten Thousand Pound.

Mr. *Nowis* and Mr. *Smith* being examined here, did utterly deny that they had given any Money to any Member of Parliament on account of the said Bill, or knew of any to be given; but they were willing to get what they could, having taken a great deal of pains in long soliciting the same. They did further say, that notwithstanding they charged 1650 *l.* to be paid to Mr. *George Finch*, yet they had not paid him any Money; but having delivered up his Bond for 12 *d.* in the Pound, they valued his Share of the Orphan's Debt to amount to that Sum.

Mr. *George Finch* being examined, did deny to have received any thing from Mr. *Nowis* or Mr. *Smith*, or by their Order: But saith, that he did apply himself to several of the Orphans for Money, upon Suggestion that there was Obstructions to the Bill, which must be removed by Money; and that he did receive 100 *l.* from Mr. *John Chadwick*, 100 *l.* of Mrs. *Harvey*, 100 *l.* of Mr. *Scott*, 50 *l.* of Mr. *Hern*, and had a Promise of 100 *l.* from Sir *John Smith*, which is not yet paid.

That the Obstructions he meant was to take off those who petitioned against the Duty laid in the said Act upon Wines, and finding the Parties concerned to be very many, he did not treat with them, but kept the Money to his own use, because he had been at Charges in this matter. He did deny his paying any Money to any Member of Parliament; but wavering in his Discourse, and being again asked if he ever did distribute, or knew of any Money distributed on account of the Orphans Bill, said, it was a hard thing to be asked such Questions, which was all the Committee could get from him.

Mr. *John Chadwick* and Mr. *Hern* proved the Payment of the Money to Mr. *George Finch*, but could give no account what he had done therewith.

Mr. *George Finch* denying he received any more Money than that from Mr. *Chadwick*, &c. amounting to 150 *l.* which, or part thereof, was paid in for his use to Mr. *Hornbys*; and yet being charged by Mr. *Nowis* and Mr. *Smith* with 1650 *l.* in their Bills, though on their Examination by the Committee they deny'd they had paid him any: This Committee thought Mr. *Hornby's* Books might clear this matter, they keeping Mr. *Finch's* Accounts, and therefore sent for them.

Mr. *Nathaniel Hornby* came upon their Summons without the Books, and being told it was to determine a Difficulty about Mr. *Finch's* Receipts and Payments, he absolutely refused to let the Committee have a sight thereof; and said, he would not discover to any one whatever, what any Person owed them, or what they owed any Person.

But upon better thoughts he did shew his Books, but nothing material appeared thereby to this matter.

Mr. *Chiswell*, one of the Company of the Light-Office, informed your Committee, that the Crown having been out of Purse 16 or 17000 *l.* apply'd themselves to the Commons for a Bill to settle that matter, which miscarrying last Sessions; but one Serjeant *Topham*, who was also one of the Company, told him they must do as others did, and take another course; and if they would have any success, they must do as the *East-India* Company had done.

Mr. *Chiswell* brought the Book of the Company to your Committee, who find entered therein the Orders following.

Light Office, Wednesday, January the 17th, 1693. Ordered, That Sir Tho. Allington, Dr. Hobbs, Mr. Rookby, Mr. Topham, and Mr. Chiswell, or any three of them, do manage our Affairs in Parliament, by such methods as they shall think fit.

Light-Office, January, 1693. Ordered, That the Treasurer do issue and pay all such Monies as the said Committee, or any three of them, shall order and direct for the Management of the said Affairs; which Orders for such Monies shall be a sufficient Discharge to the Treasurer for the same, and for which the said Committee shall not be accountable.

Light-Office, February the 6th, 1693. Ordered, That a Note for 440 *l.* be taken, payable to the Bearer, and delivered to Mr. Chiswell, which he is to pay away upon account of the Act of Parliament, in pursuance of an Authority given by an Order made the 17th of January last.

April the 18th, 1694. Ordered, That 23 *l.* 13 *s.* 4 *d.* more being paid to Mr. Chiswell, and others of the Committee, which they are to pay away upon account of the Act of Parliament, in pursuance to an Authority given them by an Order made the 17th of January last.

April the 10th, 1694. Paid by Mr. Fowle and Mr. Wootton, their Note delivered to Mr. Chiswell, &c. in part of Charges for the Act of Parliament, *Vide Minutes, April the 6th, 1694. 440 *l.**

Paid more to Mr. Chiswell, as by the Order dated *April the 18th, 1694. 23 *l.* 13 *s.* 4 *d.** Mr. Chiswell said, Mr. Topham and Mr. Burton undertook the management of the Affair of the *Light-Office*; and Mr. Topham told him, the disposing of this Money was to engage some Friends in the House of Commons. Mr. Chiswell owned he had the Bills according to those Orders, and he delivered them to Mr. Burton, who disposed them according to Mr. Topham's Direction, as he believes, but he did not ask him to whom.

Mr. Burton and Mr. Topham are both Dead since.

Which Report Mr. Foley read in his place, and afterwards delivered the same in at the Clerk's Table, where it was again read.

Ordered, That Candles be brought in; which was done accordingly. And

"Resolved by the House, That Sir J. T. Speaker of this House, receiving a Gratuity of One Thousand Guineas from the City of London after the passing of the Orphan's Bill, is guilty of a high Crime and Misdemeanour.

Ordered, That the Debates of the said Report be adjourn'd till to Morrow morning.

Die Mercurii 13 Martii, 1694. In Print.

The Members being met between a eleven and twelve a Clock, Mr. Serjeant came without his Mace, and delivered to the Clerk at the Table a Letter from Sir John Trevor, directed thus:

To Mr. Jodrell, Clerk to the Honourable House of Commons.

Which was opened and read, and is as followeth:

Mr. Jodrell,
I desire you to present the Inclosed to the House, and in that you will oblige,
Sir, Your Humble Servant,

March the 13th, 1694.

J. T. Speaker.

The Inclosed was another Letter, which also was read, as followeth, viz.

Gentlemen,
I Did intend to have waited upon you this Morning, but after I was up, I was taken suddenly ill with a violent Collick; I hope to be in a Condition of attending you to Morrow Morning. In the mean time, I desire you would be pleased to excuse my Attendance.

I am with all Duty,

Gentlemen,

Your most Obedient Humble Servant,

March the 13th, 1694.

J. T. Speaker.

After

After the reading of the said Letters, many Members spake, and some proposed to proceed to the Choice of a new Speaker immediately, whereupon former Precedents were called for, and read out of the *Journals*.

But an Objection was made, That there could be no Debate, until the Mace be brought, and laid under the Table, and that no Question could be put until that be done. Others being of Opinion, that was not essential, notwithstanding the former Precedent. It was not insisted upon: But the Clerk, about one of the clock, to whom all that spake directed themselves, according to former Practice, by Order of the House, put the Question for adjourning the House until 10 a clock the next Morning.

Die Jovis, 14 Martii, 1694. Mr. Serjeant came and brought the Mace, and laid it under the Table, and then delivered to the Clerk a Letter from Sir J. T. Speaker, directed, *To Mr. Jodrell, Clerk of the Honourable House of Commons*, which was opened; and inclosed in the Cover was another Letter, which was read, as followeth, *viz.*

Mr. Jodrell,

MY Illness still continues, which makes me unable to come abroad, wherewith I desire you to acquaint the House, and that I humbly pray they will please to excuse me for not attending them.

I am,

Your Friend and Servant,

March the 14th, 1694.

J. T. SPEAKER.

After reading whereof, Mr. Comptroller of his Majesty's Household stood up, and spake as followeth.

"Mr. Jodrell, I am commanded from the King, to inform this House, that the late Speaker, Sir J. T. hath sent him word, that his Indisposition doth so continue upon him, that he cannot further attend the service of the House, as Speaker: And further commanded me to say, That there may be no delay in the publick Proceedings, he does give leave to this House to proceed to the choice of a new Speaker.

"Sir the filling of that Chair is the highest Station any Commoner can be called to, but however Honourable it is, the Toil and Difficulties of it are so great, that I believe there is no reasonable Man that hears me, but would be rather glad to have it supplied by any Man than himself; and therefore I shall, without fear of displeasing any Person out of so many who are qualified to serve you, proceed to nominate——

Upon this he was interrupted by a great noise in the House, crying, *No, no, no*, and several Gentlemen stood up to speak to order, and Exceptions were taken by several Members, that it was contrary to the undoubted Right of the House, of chusing their own Speaker, to have any Person who brought a Message from the King, to nominate one to them.

Notwithstanding which, the Comptroller stood up again, and named Sir Thomas Littleton, which was seconded by Sir Henry Goodrick; whereupon arose a Debate, and another Person, *viz.* Paul Foley, Esq; was propos'd by Sir Christopher Musgrave, and seconded by the Lord Digby, and after a long Debate, in relation to both the said Persons, the Question was put by the Clerk, That Sir Thomas Littleton take the Chair of this House as Speaker.

The Clerk declared that the *Yeas* had it. But,

The House divided; the *Yeas* on the Right-hand, and the *Noes* on the Left.

The Tellers were appointed by the Clerk, *viz.*

For the *Yeas*, James Chadwick, Esq;———146.

The Teller for the *Noes*, Col. Granville———179.

So it passed in the Negative.

The second Question being about to be put, Mr. Foley stood up to speak, but the House would not hear him; but ordered the Clerk to put the Question, *viz.* That Paul Foley, Esq; take the Chair of this House as Speaker. And,

It was Resolved accordingly, *Nemine Contradicente*.

Upon which Mr. *Foley* made his Excuse in his Place, which was not admitted by the House.

Then he was conducted to the Chair by the Honourable Col. *Granville*, and the Honourable *Henry Boyle*, Esq; and upon the first Step of the Chair, after some pause, he made a Speech to the House again to excuse himself.

Which not being allowed, he sat down, and then the Mace was laid on the Table. Afterwards Mr. Comptroller spake as followeth.

" Mr. Speaker,

" His Majesty hath commanded me to inform this House, That after they had chosen a Speaker, they should present him to his Majesty to morrow Morning, at 11 a clock, in the House of Lords.

Then the Speaker desired the Direction of the House, Whether he ought to make the usual Petitions for freedom of Speech, &c. The House cryed, *No, no*; and some Members said that those Petitions were Demands of Right, and ought not to be made, but once at the beginning of a Parliament, and former Precedents were cited in the Case.

Then the Speaker put the Question for adjourning the House until to morrow Morning 9 a clock, and so went away without the Mace before him.

Die Veneris, 15 Martii, 7 Gul. 3. A Message from his Majesty, That the House should immediately attend him in the House of Lords, with their Speaker, elected the Day before.

And accordingly, Mr. Speaker, with the House, went up to attend his Majesty, and spake as followeth.

May it please your most Excellent Majesty,

" The Commons of *England*, in Parliament assembled, having by a very extraordinary Occasion lost the Service of their late Speaker, proceeded to a new Election, and being commanded by your Majesty to present their Speaker at this Time and Place, they now wait on your Majesty in full Parliament, to present me to succeed, on whom they have unanimously agreed.

" I must acknowledge my self very unfit for so great an Employment, and wish they have not done themselves a great prejudice therein, which they might have avoided, having choice of many much more able Members for that Service.

" But I dare not oppose my own Opinion to that of so great a Body, as the Commons of *England*, and therefore with your Majesty's Approbation, am ready to serve your Majesty and them to the utmost of my Abilities.

" If they find themselves, on Tryal, mistaken, and that I cannot answer their Expectations, though hitherto they will not allow me to excuse my self, yet, then, I hope, they will provide one more fit for your Majesty's, and their Service.

The Lord Keeper spake thus.

Mr. *Foley*,

" The King has taken notice of the Modesty which you have shewn in speaking of your self, and how just a sense you have expressed of the Weight and Difficulty of the Employment to which you are called; but his Majesty hath commanded me to tell you, That he is so well assured of your dutiful Affection to his Service, and so fully satisfied of your Integrity, your Abilities, your Industry, and Application to Business, and your Experience of the Customs and Orders of Parliament, that he does well allow of the Choice which the House of Commons have made, and does approve of you for their Speaker.

After the King's Speech, the Speaker replied.

May it please your Majesty,

" I with Humility and Thankfulness acknowledge your Majesty's great Favour, and hope your Majesty's Approbation will be a great Assistance to me in the Discharge of my Duty; not to mispend time, now very precious, for your Majesty's Affairs,

X x x x

" I shall

" I shall only make it my humble Request, That whatever Mistake or Fault I may
 " commit, your Majesty will not impute it to your Commons; and for my self, not
 " committing any wilfully, I cannot doubt of your Majesty's gracious Pardon.

1694.

Die Sabbati, 16 Martii, 1694. The House, according to the Order of the Day, proceeded upon the Report of the Committee, appointed to inspect the Books of the *East India-Company*, and of the *Chamberlain of London*. And,

Resolved, " That Sir J. T. late Speaker of this House, being guilty of a High Crime and Misdemeanor, by receiving a Gratuity of One thousand Guineas from the City of London, after passing of the Orphans-Bill, be expell'd this House.

Die Martis, 19 Martii, 1694. *Ordered,* That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Member to serve in this present Parliament for the Burrough of Yarmouth, in the County of Southampton, in the room of Sir J. T. Knt. expell'd this House.

1695.

Burgus de
 Scarbo-
 rough.

Die Martis, 26 Martii, 1695. *Resolved,* " That Mr. Hungerford, a Member of this House, having received Twenty Guineas for his Pains and Service, as Chairman of the Committee of this House, to whom the Orphan's Bill was committed, is guilty of a High Crime and Misdemeanor.

Resolved, " That Mr. Hungerford, a Member of this House, being guilty of a High Crime and Misdemeanor, for receiving Twenty Guineas for his Pains and Service, as Chairman of the Committee of this House, to whom the Orphan's Bill was committed, be expelled this House.

Die Jovis, 28 Martii, 1695. *Ordered,* That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for electing another Burgess to serve in this present Parliament, for the Burrough of Scarborough, in the County of York, in the room of John Hungerford, Esq; expell'd this House.

1695.

Die Sabbati 30 Novembris, 1695. A Petition of John Alton, Esq; setting forth, That at the Election of Members to serve in this present Parliament, the Petitioner was duly elected by the majority of legal Votes, as a Member to serve for the said Burrough of Yarmouth in the Isle of Wight, but the present Mayor of the said Burrough hath falsly returned Anthony Morgan, Esq; to the Petitioner's great Damage; and praying the House to take the Premises into Consideration; was read and referred.

Die Martis 17 Martii, 1695. *Ordered,* That the Matter touching the Election for the said Burrough, be heard before the said Committee, as soon as they come in Course, notwithstanding any Order to the contrary. Note, *There was a preceeding Order, that all Elections should be heard in course.*

1696.
 Report.

Die Sabbati 28 Martii, 1696. Collonel Granville Reported from the said Committee, the Matter of the said Election as it appeared to them, viz.

Upon the Petition of John Alton, Esq; complaining of an undue Election of Anthony Morgan, Esq; to serve for the said Burrough of Yarmouth in the Isle of Wight; the Committee have examined the Merits of that Election.

That the Right of Election was agreed to be in the Mayor and Burgesses of the said Burrough.

And that upon the Poll there was

For { Mr. Morgan, _____ 33.
 the Petitioner, _____ 32.

But the Petitioner insisted,

That one Mr. Urrey, who voted for the sitting Member, had surrendred his Burgeship, and that five others were unduly admitted to be Burgesses.

That to prove the Surrender, the Petitioner produced an Entry in the Town Book, whereby Mr. Thomas Urrey desired the Corporation to excuse his Attendance, and to chuse another chief Burgess in his room; and accordingly, Mr. Richard Valley was elected and chosen in his room.

And as to the undue making free of five other Burgesses, they produced,

Mr. John Barker, who said, he had been Mayor of Yarmouth, and had looked into the Records of the Town, and found it to be Customary for the majority of the Capital Burgesses to consent to make a Freeman, but believes some have been made Free, when but 3 or 4 of the Capital Burgesses have been present, but then others have consented.

And also proved a By-Law made the 21st of *September*, the 22 Car. 2. by which it is agreed, That no chief Burgeses, or Free Burgeses should be made, unless the Mayor and five of the chief Burgeses be present, and consent.

That the Petitioner also called Mr. *James Dore*, who said,

That *Edward Cowper*, *David Stevens*, *John Lee*, *John Chiverton*, and *Daniel Dickenson*, whereof the first was Servant to Major *Holmes*, and lived in a Farm of his, and the other four, who were also the Major's Tenants, were made Free without his Consent, or the Consent of Mr. *Cotton* and Mr. *Hook*, so that tho' Seven were really present, yet not above four, with the Mayor, consented to their being made Free; but however, he could not say that any dissent was declared publickly; but after they were made Free he told Major *Morgan*, it was not fairly done.

Mr. *Robert Dyer*, and Mr. *Lucas Browne*, said, that these five now excepted to, were excepted to at the time of the Poll.

For the fitting Member it was insisted,

That though Mr. *Urrey* had surrendred his chief Burgageship, yet he remained a Free Burges, and had a Right to Vote, and produced a By-Law, dated the 21st of *September*, 1680. by which it was agreed, That no Chief or Free Burges should be elected, unless the Mayor and major part of the Free Burgeses were present, upon Penalty of 10*l.* which the fitting Member's Council insisted was a Repeal of the former By-Law.

That it also appeared to the Committee, that *Richard Valley* who voted for the Petitioner, had been Disburgesed.

And a Witness said, he could not find Mr. *Conyers*, another of the Petitioner's Voters, in the Book of the Free Burgeses.

And that upon the whole Matter the Committee came to this Resolution, viz.

"*Resolved*, That it is the Opinion of this Committee, that *Anthony Morgan*, Esq; "is duly elected a Burges to serve in this present Parliament for the Burrough of *Yarmouth*, in the *Isle of Wight*."

And the said Resolution being read a second time, was, upon the Question put there-upon, agreed unto by the House.



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